

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
 Monday
 June 19, 1989

Senate called to Order by the President.

Prayer by the Honorable Thomas H. Andrews of
 Cumberland.

SENATOR ANDREWS: Let us pray. Bless this
 Chamber and all who serve here. In these final
 hectic days, help us to see the forest from the trees
 and do help us to leave here on Wednesday, not merely
 as Legislative colleagues, but as friends one and
 all. Amen.

Reading of the Journal of Friday, June 16, 1989.

COMMITTEE REPORT

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on
 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act
 to Authorize a General Fund Bond Issue in the Amount
 of \$13,000,000 for Facilities Serving People with
 Mental Illness"

S.P. 305 L.D. 804

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (S-329).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-329) 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

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
 Later Today Assigned matter: (6/15/89)

Emergency

An Act Relating to Sales Tax Exemptions and
 Revenues

H.P. 975 L.D. 1353

(C "A" H-446)

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

Pending - ENACTMENT (Roll Call Ordered.)

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

(In House, June 15, 1989, PASSED TO BE ENACTED.)

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

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

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).

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

Pending - FURTHER CONSIDERATION

(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).)

(In House, June 16, 1989, the Majority OUGHT NOT
 TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

Senator WEBSTER of Franklin, moved to RECEDE and
 CONCUR.

Senator BERUBE of Androscoggin requested a
 Division.

THE PRESIDENT: The pending question before the
 Senate is the motion of Senator WEBSTER of Franklin,
 to RECEDE and CONCUR.

A Division has been requested.

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

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

13 Senators having voted in the affirmative and
 14 Senators having voted in the negative, the motion
 of Senator WEBSTER of Franklin, to RECEDE and CONCUR,
 FAILED.

The Senate INSISTED.

Sent down for concurrence.

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

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)

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

Pending - Motion of Senator WEBSTER of Franklin
 to ADHERE

(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.)

(In Senate, June 16, 1989, ADHERED.
 Subsequently, RECONSIDERED.)

On motion by Senator CLARK of Cumberland, Tabled
 until Later in Today's Session, pending the motion of
 Senator WEBSTER of Franklin, to ADHERE.

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

Non-concurrent Matter

Bill "An Act to Revise the Communicable Disease
 Law"

H.P. 1122 L.D. 1554

(C "A" H-408)

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

Pending - FURTHER CONSIDERATION
(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408), in concurrence.)

(In House, June 16, 1989, 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 CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

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

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator BERUBE of Androscoggin, RECESSED until 11:00 this morning.

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 LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Preserve the Integrity of the Land for Maine's Future Program"

S.P. 651 L.D. 1746

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-330).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-330) 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 BRANNIGAN for the Committee on MARINE RESOURCES on Bill "An Act to Amend Laws Regulating the Sardine Industry"

S.P. 453 L.D. 1225

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-331).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-331) 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 481 L.D. 661

(S "A" S-308 to C "A" H-563)

In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-308) thereto, in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

On motion by Senator BALDACCI of York, the Senate INSISTED.

(See Action Later Today)

Non-concurrent Matter

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and 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

(C "A" H-556)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556) AS AMENDED BY HOUSE AMENDMENT "A" (H-600) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$49,500,000 for Construction and Renovation of Correctional Facilities"

S.P. 608 L.D. 1702

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-332).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-332) 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

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 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 \$19,110,600 for the Maine Vocational-Technical Institute System"

H.P. 1235 L.D. 1727

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-616).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-616).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-616) 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.

Ought to Pass in New Draft under New Title
The Committee on MARINE RESOURCES on Bill "An Act Concerning the Disposal of Abandoned Watercraft"

H.P. 587 L.D. 791

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Requiring the Bureau of Public Lands to Study the Best Method and Cost of Removing Abandoned Watercraft in the Coastal Waters of the State" (Emergency)

H.P. 1267 L.D. 1763

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.

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

Joint Resolution

The Following Joint Resolution: H.P. 1260
JOINT RESOLUTION ENCOURAGING THE LAW ENFORCEMENT COMMUNITY TO ENFORCE MAINE LAW PROHIBITING TOBACCO SALES TO CHILDREN

WHEREAS, Maine law currently prohibits the sale and distribution of tobacco products to children under 18 years of age; and in spite of that law, over 5,000 Maine children under 18 years of age begin to smoke each year; and

WHEREAS, 90% of smokers begin smoking before 18 years of age, the legal age of purchase in Maine, and 60% percent begin before 14 years of age; and

WHEREAS, smoking-related illnesses kill over 1,800 Maine people and cause over \$250,000,000 in costs each year; and

WHEREAS, local police, state police, the Bureau of Liquor Enforcement, the Department of Inland Fisheries and Wildlife, the Attorney General, the State's district attorneys and the judiciary all have authority to enforce Maine's law prohibiting tobacco sales to children; and

WHEREAS, the business community has the responsibility to promote enforcement of the law; and

WHEREAS, stricter enforcement of the Maine Revised Statutes, Title 22, section 1579 is necessary to protect the health of Maine's children; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 114th Legislature, now assembled, most respectfully encourage the leadership of the State's law enforcement community to bring the provisions of the Maine Revised Statutes, Title 22, section 1579, to the attention of its members and

encourage the law enforcement and business communities to cooperate in the enforcement of this law; and be it further

RESOLVED: That a copy of this resolution be transmitted by the Secretary of State to the chief officers of the State's law enforcement agencies.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1265
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES, AND THE INTERSTATE COMMERCE COMMISSION TO RESTORE PASSENGER RAIL SERVICE TO THE STATE OF MAINE

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

WHEREAS, the restoration of passenger rail service between the State of Maine and other states in the northeastern United States is in the economic interest of the State of Maine; and

WHEREAS, the resumption of this service will help alleviate automobile traffic in the northeast corridor of the nation and will also reduce automobile emissions and resultant air pollution; and

WHEREAS, increased passenger rail traffic will relieve pressure on Maine's highways and bridges, thereby promoting energy conservation and reducing the consumption of fossil fuels; and

WHEREAS, there are currently studies conducted on improving passenger rail service within the State, and the development of alternate transportation systems is in the long-range planning interest of the State of Maine; and

WHEREAS, AMTRAK or private rail carriers may be able to provide this service between the State of Maine and other states in the region; and

WHEREAS, the increased utilization of train travel will improve the economic, cultural and social well-being of the State; now, therefore, be it

RESOLVED: That We, your Memorialists, recommend and urge the President of the United States, the Congress and the Interstate Commerce Commission to strive to enact measures to restore passenger rail service to the State of Maine; and be it further

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

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1268
JOINT RESOLUTION IN HONOR OF THE 200TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF ST. GEORGE

WHEREAS, the foundation of the First Baptist Church of St. George was laid by the missionary efforts of Elder Isaac Case in 1784; and

WHEREAS, the First Baptist Church was formally organized in 1789 to provide spiritual guidance and

sustenance to the burgeoning community it faithfully served; and

WHEREAS, the First Baptist Church of St. George has been the parent church of other churches in the area; and

WHEREAS, the First Baptist Church is the oldest religious organization in Knox County; and

WHEREAS, the First Baptist Church continues to provide sanctuary support and fellowship to all who seek it; and

WHEREAS, the First Baptist Church has promoted traditional Christian values for 2 centuries and continues to be a positive influence in the community; now, therefore, be it

RESOLVED: That We, the Members of the Members of the One Hundred and Fourteenth Legislature now assembled in the First Regular Session, recognize and commemorate the First Baptist Church of St. George on the occasion of its 200th anniversary; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the First Baptist Church of St. George.

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

Off Record Remarks

On motion by Senator ANDREWS 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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE

HOUSE OF REPRESENTATIVES

AUGUSTA 04333

June 19, 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 Indefinitely Postponed Bill "An Act to Increase the Motor Vehicle Inspection Fees" (H.P. 49) (L.D. 70).

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:

ORDERS

Joint Resolution

On motion by Senator BRAUN of Knox (Cosponsored by: Representative SKOGLUND of St. George) the following Joint Resolution:

S.P. 657

JOINT RESOLUTION COMMEMORATING THE BICENTENNIAL ANNIVERSARY OF THE TOWN OF VINALHAVEN

WHEREAS, some of the most scenic and special of the islands located along the coast of Maine are those located some fifteen miles east of Rockland which comprise the Town of Vinalhaven; and

WHEREAS, these isles, discovered by the English explorer Martin Pring in 1603 and named by him as the "Fox Islands," have been continuously settled by generations of hardy island families since 1765; and

WHEREAS, these inhabitants have long been noted for their humanity and benevolence to strangers and their industry has crafted a succession of fine coastal schooners and the blue-gray granite used in the construction of the Brooklyn Bridge and the Cathedral of St. John the Divine in New York; and

WHEREAS, title to these islands was granted to the inhabitants by the General Court of the Commonwealth of Massachusetts on May 13, 1786, and as the Town of Vinalhaven was incorporated by the General Court on June 25, 1789; and

WHEREAS, these islands have been carefully tended and stewarded by their residents who, over the intervening two centuries, have preserved the unique character of this rugged and beautiful part of our State's coast; now, therefore, be it

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

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

Which was READ and ADOPTED.

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 AGRICULTURE on Bill "An Act to Clarify the Farmland Adjacency Law"

H.P. 697 L.D. 949

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-549).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-549) READ and ADOPTED, in concurrence.

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

Senator CAHILL: Thank you Mr. President. May I pose a parliamentary inquiry? We do have an Amendment coming to this Bill. Is that after second reading?

THE PRESIDENT: If the Amendment is to the Bill, allow the Bill to be given its Second Reading and Table the item until Later in Today's Session pending Passage to be Engrossed.

Under suspension of the Rules, READ A SECOND TIME.

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Acquiring Land for Affordable Housing" H.P. 1000 L.D. 1389

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-617).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-617).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-617) 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.

HELD BILL

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

Senator DUTREMBLE: Thank you Mr. President. Is the Senate in possession of L.D. 661?

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

Senator DUTREMBLE of York, moved to RECONSIDER whereby the Senate INSISTED on:

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

H.P. 481 L.D. 661
(S "A" S-308 to C "A" H-563)

(In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).)

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-308) thereto, in NON-CONCURRENCE.)

(In House, June 19, 1989, that Body INSISTED.)

(In Senate, June 19, 1989, INSISTED.)

Senator BALDACCI of Penobscot requested a Division.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator DUTREMBLE of York, to RECONSIDER whereby the Senate INSISTED. (Division requested)

ORDERS OF THE DAY

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

Emergency

An Act Relating to Sales Tax Exemptions and Revenues

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

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT (Roll Call Ordered.)

(In House, June 15, 1989, PASSED TO BE ENACTED.)

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

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I urge you to oppose this measure tonight. As we look at this Bill, you will see that it is a tax on video

rentals. A tax which I happen to feel is unfair, a tax which is regressive, and unfairly taxes a certain segment of our population who probably can't afford further taxes.

I wonder if we may actually be in Washington the way this Bill has been drafted. It is an issue where we put a group of things together knowing one way to pass this would be to give exemptions to a number of things that may be good and so you are forced with either voting for this Bill. Opposing it means to some people that you are opposed to such things as the boy scouts and some of the other good ideas in this Bill. There are some good components in this legislation, but the overall tax on video rentals, in my opinion, is unfair. I would urge you to oppose it. Thank you.

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

Off Record Remarks

The Chair laid before the Senate the Tabled and Later Today Assigned 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)

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator WEBSTER of Franklin to ADHERE

(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.)

(In Senate, June 16, 1989, ADHERED. Subsequently, RECONSIDERED.)

Senate at Ease

Senate called to order by the President.

On motion by Senator MATTHEWS of Kennebec, the Senate RECEDED FROM PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED FROM ADOPTION of Committee Amendment "A" (H-514).

House Amendment "A" (H-601) to Committee Amendment "A" (H-514) READ and ADOPTED, in concurrence.

On motion by Senator MATTHEWS of Kennebec, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-514) as Amended by House Amendment "A" (H-601) thereto.

Senate at Ease

Senate called to order by the President.

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

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

H.P. 481 L.D. 661

(S "A" S-308 to C "A" H-563)

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator DUTREMBLE of York, to RECONSIDER whereby the Senate INSISTED (Division requested)

(In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).)

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-308) thereto, in NON-CONCURRENCE.)

(In House, June 19, 1989, that Body INSISTED.)

(In Senate, June 19, 1989, INSISTED.)

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator DUTREMBLE of York to RECONSIDER whereby the Senate INSISTED.

A vote of Yes will be in favor of RECONSIDER whereby the Senate INSISTED.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators None

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, with No Senators being absent, the motion by Senator DUTREMBLE of York, to RECONSIDER whereby the Senate INSISTED, PREVAILED.

Senator CLARK of Cumberland, moved to TABLE until Later in Today's Session, pending FURTHER CONSIDERATION.

Subsequently, the same Senator requested and received Leave of the Senate to withdraw her motion to TABLE.

The same Senator moved that the Senate RECEDE.

On further motion by same Senator, Tabled until Later in Today's Session, pending the motion of the same Senator to RECEDE.

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

Emergency

An Act Relating to Sales Tax Exemptions and Revenues

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

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT (Roll Call Ordered.)

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

(In House, June 15, 1989, PASSED TO BE ENACTED.)

On motion by Senator ANDREWS of Cumberland, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-446).

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-446), in concurrence.

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

Non-concurrent Matter

Bill "An Act to Revise the Communicable Disease Law"

H.P. 1122 L.D. 1554
(C "A" H-408)

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408), in concurrence.)

(In House, June 16, 1989, 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 until Later in Today's Session, pending FURTHER CONSIDERATION.

Senate at Ease

Senate called to order by the President.

On motion by Senator COLLINS of Aroostook, RECESSED until 7:30 this evening.

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

House

Ought to Pass

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act Establishing the Affordable Housing Partnership Act of 1989" (Emergency)

H.P. 1269 L.D. 1765

Reported that the same Ought to Pass, pursuant to Joint Order H.P. 1216.

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

Which Report was READ and ACCEPTED, in concurrence.

Under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1989 (Emergency)

H.P. 1264 L.D. 1760

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 AS AMENDED BY HOUSE AMENDMENT "A" (H-623).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

House Amendment "A" (H-623) 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 FISHERIES AND WILDLIFE on Bill "An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife" (Emergency)

H.P. 895 L.D. 1239

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-615).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615) AS AMENDED BY HOUSE AMENDMENT "A" (H-626) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-615) READ.

House Amendment "A" (H-626) to Committee Amendment "A" (H-615) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-615) as Amended by House Amendment "A" (H-626) thereto, 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 STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Office of Children within the Executive Department"

H.P. 608 L.D. 832

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERUBE of Androscoggin

ESTY of Cumberland

Representatives:

LARRIVEE of Gorham

HEESCHEN of Wilton

ROTONDI of Athens

GWADOSKY of Fairfield

JOSEPH of Waterville

DAGGETT of Augusta

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

Signed:

Senator:

CARPENTER of York

Representatives:

HANLEY of Paris

MCCORMICK of Rockport

BEGLEY of Waldoboro

WENTWORTH of Wells

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

Which Reports were READ.

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

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Senate at Ease

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Department of Child and Family Services" (Emergency)

H.P. 1199 L.D. 1666

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-621).

Signed:

Senator:

ESTY of Cumberland

Representatives:

GWADOSKY of Fairfield

DAGGETT of Augusta

ROTONDI of Athens

LARRIVEE of Gorham

HEESCHEN of Wilton

JOSEPH of Waterville

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-622).

Signed:

Senators:

BERUBE of Androscoggin

CARPENTER of York

Representatives:

HANLEY of Paris

MCCORMICK of Rockport

BEGLEY of Waldoboro

WENTWORTH of Wells

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-621).

Which Reports were READ.

Senator BERUBE of Androscoggin, moved to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) Report in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) Report in NON-CONCURRENCE.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Concerning the Dennistown Plantation School Budget (Emergency)

H.P. 1270 L.D. 1766

Committee on EDUCATION 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.

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

Bill "An Act Authorizing Piscataquis County to Expend and Borrow up to an Additional \$350,000 for Renovation and Expansion of Jail Facilities" (Emergency)

H.P. 1271 L.D. 1767

Committee on STATE AND LOCAL GOVERNMENT 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.

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

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:

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste" (Emergency)

H.P. 1272 L.D. 1768

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

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

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Create a Minimum Lot Size for Mobil Home parks not located on Public Water and Sewer Lines"

H.P. 866 L.D. 1205
(S "A" S-280; C "A" H-510)

In House, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510).

In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AND SENATE AMENDMENT "A" (S-280) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510) AS AMENDED BY HOUSE AMENDMENT "B" (H-624) thereto, AND SENATE AMENDMENT "A" (S-280) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Public Fish Piers, Airports and Other Transportation Facilities" (Emergency)

S.P. 652 L.D. 1749

In Senate, June 15, 1989, PASSED TO BE ENGROSSED. Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-618) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Amend the Norridgewock Water District Charter"

S.P. 655 L.D. 1762

Committee on UTILITIES suggested and ORDERED PRINTED.

In Senate, June 16, 1989, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-625) without reference to a Committee, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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 Allow Recovery for Wrongful Death of an Unborn Viable Fetus

H.P. 408 L.D. 551
(S "A" S-274 to C "A" H-429)

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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 19, 1989

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

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

Representative MAHANY of Easton
Representative MAYO of Thomaston
Representative ANDERSON of Woodland

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
Joint Resolution

The Following Joint Resolution: H.P. 1273

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES TO REQUIRE HEALTH AND SAFETY
DISCLAIMERS ON ALL BROADCAST AND PRINT MEDIA
ALCOHOL ADVERTISEMENTS

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

WHEREAS, alcohol is one of the most abused drugs in the State of Maine, its consumption resulting in widespread damage to the health and well-being of individuals and their immediate families; and

WHEREAS, all Maine citizens are placed at risk of crimes and other harm by alcohol misuse and abuse; and

WHEREAS, the citizens of Maine, including young people, share with people across this country constant exposure to advertising, including alcohol advertising; and

WHEREAS, we believe that the citizens of Maine are directly affected and influenced by the relationship between alcohol advertising and alcohol consumption, as documented by various studies; and

WHEREAS, the effectiveness of health warning labels has been studied and reported to the United States Congress; and

WHEREAS, it is not practical or legal for the Maine Legislature to require unilaterally the addition of warning labels on most advertising that is seen in the State of Maine; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact federal legislation that would require health and safety disclaimers on all broadcasts and print media alcohol advertising; and be it further

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

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Correct Errors and Inconsistencies in the Laws Relating to Boards and Commissions" (Emergency)

S.P. 630 L.D. 1724

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-333).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-333) 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 TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act to Amend Certain Motor Vehicle Laws"

S.P. 511 L.D. 1399

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-335).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-335) 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.

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

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Farmland Adjacency Law"

H.P. 697 L.D. 949

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, June 19, 1989, Report READ and ACCEPTED, in concurrence.)

(In House, June 19, 1989, Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-549).)

On motion by Senator HOLLOWAY of Lincoln, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-549).

On further motion by same Senator, Senate Amendment "A" (S-338) to Committee Amendment "A" (H-549) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. Basically the Amendment repeals the one hundred and fifty foot boundary line on the so-called adjacency harmony Bill. Thank you.

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

Senator EMERSON: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge you not to Adopt this Amendment. This Amendment, if Adopted, for all intents and purposes, would repeal the harmony law. I guess if we repeal the harmony law, we wouldn't have any harmony between the farmers and the land owners. The Agriculture Committee recognized that the law needed to be Amended, and they worked on it for quite some time and we were able to arrive at a compromise in the Committee. The compromise is the Committee Amendment "A" (H-549). This Amendment changes the law from what it is now somewhat. Instead of it being one hundred and fifty feet from the property line, now the setback would be one hundred feet from the edge of a crop, which in most cases would mean somewhat less than a hundred feet from the property line. Also, the Bill made some changes in what could be registered as farmland. It eliminated wood lots and christmas trees, farm buildings, roads, pastures, lawns, and any other non-productive land. Also, it says in order for it to be registered, the farm must be an open space and there are several other things that the farmer must do.

In the other Body, the Committee Report was accepted overwhelmingly and I would have to say that if we get this thing in non-concurrence, instead of having any changes, we are going to be right where we are now. If you don't like where we are, I think you ought to be careful about how you vote. I would urge you to vote against this Amendment.

THE PRESIDENT: The pending question before the Senate is the motion of Senator HOLLOWAY of Lincoln, to ADOPT Senate Amendment "A" (S-338) to Committee Amendment "A" (H-549).

The Chair ordered a Division.

Will all those Senators in favor of the motion of Senator HOLLOWAY of Lincoln, to ADOPT Senate Amendment "A" (S-338) to Committee Amendment "A" (H-549), please rise in their places and remain standing until counted.

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

3 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion of Senator HOLLOWAY of Lincoln, to ADOPT Senate Amendment "A" (S-338) to Committee Amendment "A" (H-549), FAILED.

Committee Amendment "A" (H-549) ADOPTED, in concurrence.

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

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

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

Bill "An Act Relating to Sales Tax Exemptions and Revenues" (Emergency)

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

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-446), in concurrence

(In Senate, June 19, 1989, RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED. RECONSIDERED ADOPTION of Committee Amendment "A" (H-446).)

(In House, June 15, 1989, PASSED TO BE ENACTED.)

On motion by Senator ANDREWS of Cumberland, Senate Amendment "A" (S-336) to Committee Amendment "A" (H-446) READ and ADOPTED.

Committee Amendment "A" (H-446) as Amended by Senate Amendment "A" (S-336) thereto, ADOPTED in NON-CONCURRENCE.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. The Amendment that we just Adopted was merely technical in nature. It is a good thing that we did, because if we had not, the sales tax on one of the items in the package would have been greater than it was actually intended to be. I thank you for allowing this Amendment to go through.

I would like to tell you about this piece of legislation as a whole, however, before we cast our final Enacting vote. This is the package on sales tax exemptions that comes from the Taxation Committee every year. Like in years past, this is the product of many, many hours, days, weeks, and months of deliberations on our sales tax policy. It truly is a balancing act that we engage in, in the Taxation Committee, in trying to achieve such a package. On the one hand we have before us, literally, dozens and dozens of Bills asking for this tax exemption, or the other. We also have many very interests among the members of the Committee and of course many different perspectives in terms of our party affiliations. So, we are trying to balance not only one proposal with respect to one another, one member with respect to one another, but also we tried to strive for consistency and clarity and fairness in our sales tax law. We tried to come out with a package of sales

tax exemptions or to remove sales tax exemptions not because we don't like this particular group, or we think this particular group is wonderful, but we are trying to achieve fairness and consistency in our sales tax law. Sometimes you can be the hero by providing a sales tax exemption to a group who really should have it, in terms of consistency and fairness, and other times you can be the goat, when it comes to removing a sales tax exemption from a group that is enjoying one, perhaps not with consistency and fairness. But, you put all of those together, you put them in a package, and then you bring them to the floor of the State Senate.

Negotiating that balance, of course, is an extremely difficult thing to do. It is like trying to conduct arms negotiations in a dynamite warehouse by candlelight. You feel that you have to move steadily and cautiously and one false move and the entire package can blow up. You really are trying to achieve a consensus in order to bring forth package that makes some sense.

I am very proud of the Taxation Committee, all of the members, both of the parties, in engaging in this dialogue and this arduous process and coming out with a Bill that you have before you that I really do think reflects fairness and consistency in our tax law.

I would just like to give you a few examples, if you look at the Committee Amendment, you will see all of the particulars in the package. But, let me just highlight a few examples of the point I am trying to make with consistency and fairness. First of all, we have a provision dealing with agricultural and fishing equipment. Right now, those in agriculture and those in fishing enjoy a sales tax exemption on the purchase of new equipment. That reflects a policy judgement on the part of the Legislature that those areas and sectors of our economy are worthwhile, we need to promote them, and they are certainly in the public interest and merit this kind of a sales tax exemption. What we don't exempt currently, however, is a sales tax on repair parts for this equipment. So, if you are a farmer or a fisherman and you can't afford to go out and buy that new piece of equipment, but you have some yankee ingenuity and you can buy a repair part and fix what you have, like many of our farmers and fishermen do, we don't extend that sales tax exemption to you. So, in this proposal, we are proposing that we join the two and provide that element of consistency and fairness between new pieces of equipment and repair parts.

Another example is aquaculture, as we know, this is a very growing, dynamic and exciting part of our economy. It is now finally the time that we are recognizing the importance of aquaculture to particularly our coastal economy and we have on the books sales tax exemptions for those in the area of commercial fishing, those in the areas of agricultural, but we don't extend that to those in aquaculture. Well, you could consider aquaculture one or the other, but certainly it is inconsistent to extend a sales tax exemption to those two groups and not to aquaculture. Another example is the boy scouts and girl scouts here in Maine. We now provide the sales tax exemptions to boys clubs and girls clubs. We provide sales tax exemptions to the Y.M.C.A. and the Y.W.C.A., but we don't provide sales tax exemptions to the boy scouts and girl scouts. Again, in the interest of consistency and fairness, we felt that needed to change. Yes, when you are dealing with consistency and fairness you not only are doing the things that make you heroes in certain sectors, but you also have to look at consistency

from the other side of the coin. We currently, as many of you by now know, have a sales tax on special services that you get from your cable television set, if you have a cable service. If you, for example, were to get a service called home box office, or a service called cinemax, where movies are brought into your home for an extra fee, we charge a sales tax on that service. But, we discovered that, in fact, we don't charge a sales tax to those who go out and rent movies from a store and put it into their VCR. So it was again in using the same basis of consistency, it was argued that if we charge a sales tax to one, to be consistent, we should charge a sales tax to the other. As a whole, as an entire package, this package provides, again, some consistency and fairness to our tax law.

In the last couple of days particularly, I have to say this, I have been asked on several occasions if we need more money, why don't we just go to those things we exempt from sales tax and take away the exemption. If we did that, there would be millions and millions of dollars, I have heard that from so many people, as we get into this budget crunch time. Even if a few of those, if you eliminated the exemptions, we could pay for all the wonderful things we want to do. That sounds great in the abstract. I don't know anybody who would oppose that in the abstract, but when you begin to put it in concrete terms and you look at specific issues that we might remove sales tax exemptions, it becomes a bit difficult. The possibility for demagoguery and the possibilities of letting the whole warehouse blow when we try to negotiate a package, of course, is very real.

The Taxation Committee has achieved a package that I think is fair, it is consistent, and while it may remove a sales tax exemption and of course we never like to do such a thing, it nonetheless is a fair and consistent thing to do. I ask you to join me in supporting this legislation before us today.

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 ask the good Senator from Cumberland, Senator Andrews, a question if I may. It is my understanding that the video tax itself will raise in the vicinity of six and a half or seven million dollars. The exemptions, the boy scout exemption and the other exemptions that are attached to this legislation, account for about one and a half million dollars. Do we have a specific area that we are going to spend the balance of five million dollars on?

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

The Chair recognizes the Senator from Cumberland, Senator Andrews.

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. To answer the good Senator from Sagadahoc, Senator Cahill. In fact, she is right. Removing this exemption from video tapes would raise 6.2 million dollars. The total for the new exemptions would be 1.6 million dollars leaving a net of 4.5 million dollars. We, in the Taxation Committee, have great respect for the Joint Standing Committee on Appropriations and we would not dare to second guess their good judgement in how that final budget should be finally put together. But, in fact, if we enact this, they would have that additional revenue, 4.5 million dollars, in their Committee for which to decide how best it should be spent.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This is one of the very few vehicles that we are going to have before us that is going to generate any money for added things in the budget. I want to just tell you that we are desperate for sources of income. You can name numerous things that you might be interested in, any where from Bath Iron Works to a court house in Presque Isle and somewhere, somehow, we have to find some money. If it isn't this vehicle, we simply won't be able to do those things that everybody wishes that we would do. I know that you know our dilemma and I know that you appreciate the difficulty of it. We have been told on numerous occasions, 'find places in the budget to cut' and we have attempted to do that to the best of our ability. We are just about exhausted in that attempt. I suppose there are always other places that people are interested in, but it, too, lends itself to demagoguery if you say, 'go cut'. We found that all kinds of different areas where we have gone to look to cut, while it might satisfy one person, it doesn't satisfy another. If not this vehicle, what?

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. Over my tenure here in the Legislature, I have heard, many a time, Legislators stand up in this Body and the other Chamber and talk about how they represent "the working man" and how they are here to represent the working people in their districts. Well, who may I ask do you think is going to pay this tax? Who is going to bear the brunt of this new tax to fund new spending here in Augusta? Let me tell you that the Wall Street Journal, many of you may have seen it, recently came out with an article which showed that Maine is one of the top states spending in the last five to seven years. The state budget has gone up ninety percent in the last five to seven years, ninety percent. Who do you think is going to pay for this tax?

Ladies and gentlemen of the Senate, I believe that boy scouts and agriculture equipment and some of the other things that are in this Bill are worthy and I also believe that they are worthy when they sit on the Table. If you are going to do anything, you ought to give the Appropriations Committee six million and let them decide whether agricultural equipment is as important as funding for some mentally retarded person, or some senior citizen, or some other program that we are funding here in Augusta. It is easy to put these things together and try to pass something, because perhaps they wouldn't go out on their own. I suggest that if these are good ideas, they ought to sit on the Table. As I said earlier in debate today, this is not Washington, we don't do things here in Maine like we do in Washington, I don't like being part of that. I don't like people who work in my district who drive a truck, who once in a while want to go out and rent a movie and have it be unfairly taxed by this tax. It is regressive, it is unfair, and we don't need it. I suggest that there are other ways to trim state spending, other than just raising another tax. I would suggest today when you vote that you vote against this Bill, because I don't think it is a good idea and I don't think we need it.

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

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Over and over and over again, I have heard people say, 'you should trim the budget'. Over and over and over again, we have attempted to do that. The good Senator from Franklin, Senator Webster said that there are other ways, 'go trim the budget'. I want to pose a question to him. You tell me where.

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

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I suggest that we could start with the Department of Energy, which probably costs a million and a half dollars a year that I don't think we need. If you would like me to get the budget book out, I could probably show you some other areas. One of the things we have done here that we have to take a real serious look at, over the last few years with budget cuts and many Senators here have talked about some of the things that have gone on in Washington. Washington has continued to cut programs and we have picked up the costs. We have picked up those costs and I think that is admirable, but now that times are tough we ought to be sitting back and I would hope that the Governor of the second floor and some of us here in leadership and in the Legislature, would start taking a serious look at what we have done, what costs have we picked up over the last few years, federal cuts that were made, that we ought not to be funding now. Perhaps the boys down there in the big city of Washington have all kinds of money and they come up with all of these ideas and maybe they are good when they start, but if it means we are faced with raising the taxes of people who work in our district, people who live and pay taxes in this state, then I think we ought to start looking at what we are doing. I suggest that is one area and Senator Pearson, from Penobscot, and I have talked before about where my priorities are. Obviously each of us would have our own priorities.

But, it seems to me that it is pretty hard to sell to the public that we have had a ninety percent growth in state spending in the last seven years and we can't fund what we have today, we have six hundred million dollars more to spend than we did two years ago and we can't find the cuts that we need to make. I suggest that this is an unfair tax and I am not about to vote for it and I hope you won't either. Thank you.

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 just couldn't resist getting up on that. The good Senator from Franklin, Senator Webster, mentioned the one department that should be cut was the Department of Energy and I would agree with him wholeheartedly. We do not have a Maine State Department of Energy, but there is one in Washington and I couldn't agree with you more. They really should cut way back.

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. The issue you have before you is an issue where there is now a sales tax exemption in a particular area and there are sales tax areas which are seeking exemptions. The area which we seek to have a sales tax imposed is

on video rentals, an area which should have a sales tax. The area which is being proposed to have exemptions, such as the boy scouts, the girl scouts and other civic and fraternal organizations, and agricultural concerns, should have a sales tax exemption.

The issue of the surplus, which I do disagree with the good Senator from Franklin, Senator Webster and the good Senator from Sagadahoc, Senator Cahill, is the fact that when the Committee on Taxation sat down to develop property tax relief, it was given a figure of fifty million dollars, at that time, to somehow come up with something for property tax relief. The Committee deliberated and discussed and debated and ended up with a package in the ballpark of fifty-eight million dollars. The difference, I submit to you here today, is the difference between the exemptions and what is left over to the Appropriations Committee, to show the good faith and help of Taxation Committee to come up with real significant property tax relief. That is where the money that is left over is going to go towards. It was my intention, as a member of the Committee on Taxation, that the money go towards property tax relief. So, we are not just proposing more taxes, or taxes in areas where there are exemptions. We are actually proposing property tax relief as part of this particular measure, because hopefully it will bring us up somewhere near the fifty-eight million dollars, which the Taxation Committee, either Report, supports. That is the real intention of this measure. So, if you vote against this, it really is a vote against meaningful property tax relief. Thank you.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I am going to very briefly state a couple of remarks and this is one of the times that I find myself in agreement with some of the concerns from the good Senator from Franklin, Senator Webster and also in agreement with the kinds of tough issues that the Taxation Committee had to deal with. I think it is a very hard sell across the State of Maine. I have been wrong before, but I bet my bottom dollar that on tax issues it is a hard sell to the people of the State of Maine to raise taxes on anything. When you raise taxes on video tapes, it may seem like an easy target, but I think that there is some validity in that a lot of working people and upper income people and people from all walks of life are buying and purchasing video tapes today. Not all of them are the kinds of video tapes that are sold in special places for adults only. If I had my druthers, I would raise the tax one hundred percent on those, but we can't do that today, because they have Constitutional rights, unfortunately.

But, we also have some concerns with the organizations that have been raised here and certainly farmers and those purchasing equipment for agriculture and other kinds of legitimate concerns. I find myself in a very precarious situation, because early on I was ready not to support this tax or this proposal, but I am going to support it this evening, but with some reservations and some concerns. I guess for the citizens in my district and the taxpayers across the state, I want them to know that I think this Legislature is concerned, very deeply concerned, about the tax mess that we are in, the over-collection of the income tax and the concerns of working people. Those are legitimate concerns and I know we all share those concerns in this Chamber.

We don't like to have to raise taxes at all on

anything, unless there is a legitimate need. I guess in this case, there is legitimate need, but I don't do it very easily even though this might seem to be an easy target. Thank you Mr. President.

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. I think you now have seen an excellent illustration of the potential problems that can be created if you don't sit down and reason together and achieve a compromise package that reflects the good judgement and the best judgement of a group of Legislators of both parties. You pull any one particular piece of the package out and you can unravel the entire program. The risk of demagoguery, of course, is great, but in the Taxation Committee, we left our speeches at the door, we sat down and we tried to do the right thing. Yes, it is difficult, whenever you are dealing the sales tax, because the sales tax, ladies and gentlemen, is a regressive tax, let's make no bones about it. It does not tax on the basis of ability to pay, but it is a major source of revenue in this state and what we do every year is we try to make that tax as fair as we possibly can by recognizing that some things should not be subject to the tax that are essentials like food, and there are other things to be consistent probably should be.

The good Senator from Penobscot, Senator Baldacci, talked about the focus that we have had all session on property tax relief. We have been very cognizant of the hard work that has been done in the areas such as affordable housing and the need for revenue for that area, and when we put a video tape rental, a ten cent tax on a two dollar video, in the context of the property tax relief that Senator Baldacci from Penobscot, mentioned, or the affordable housing package, we realize that people have to have a roof over their head, they have to pay their property taxes, and perhaps an extra dime of the purchase of a rental of a video tape is not that unreasonable, particularly since a tax is paid on those other cable services. So, I would hope that we would do the right thing, not the thing that is the most expedient, or the thing that perhaps is the easiest to do, but the thing that is the right thing to do and pass out this compromise package that enjoys the unanimous support, both Democrat and Republican, of the Joint Standing Committee on Taxation. 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. The other day my son wanted to rent a movie and I said, "I have paid for the quota of movies that you are going to rent this week. If you want to rent another movie, you are going to have to do it out of your allowance." So, he has a mayonnaise jar in his bedroom and I heard him counting change and he went through it and he had his quarters all stacked up. He said, "how much does a movie cost?" I said, "three dollars." He said, "is there tax?" I said, "no, thank goodness, there is not a tax."

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. Supporting a Bill with that three letter word is not an easy task for many Senators or many Legislators, particularly in this Session, when there is, embraced across the state, a pervasive myth that the State of Maine is literally rolling in surplus tax dollars. The question often asked by those who are aware of this

proposal is, why? I submit to these people who work for a living, who drive their trucks and their cars and some of them their volvos and their porsches and some of them who depend on metro transportation in the city of Portland and all of those people of all ages who now enjoy a new feature and that feature is sometimes the best seller at the local movie house, which is available for rental. These movies and tapes that are available have resulted in a new facet of our retail industry in this state, providing new businesses, new tax dollars, job opportunities, and livelihood for numbers of people.

The Senator from Franklin, Senator Webster, has suggested that this is an unfair tax and I guess I would concur with him if we were talking in general terms about Maine's sales tax, for we all know that it represents a regressive tax and that it impacts on those least able to afford it. I submit to you this evening that it isn't just the people who work for a living who access movies for rental, but a wide cross section and increasing cross section of Maine's population. There is one thing that I always credit Maine citizens and that is the ability to discern fiction from non-fiction. I had an opportunity on Saturday evening last, to present a Legislative Report and this was the focus of that Legislative Report. I prefaced my remarks by a brief historic review of the development of Maine sales tax and you surely don't need that this evening. Suffice it to say, the sales tax is assessed on necessities, a term used in the law that most of us immediately adapt to the word necessities. The necessities that were excluded from Maine's sales tax law over the years, do include even today some items that some of us really believe represent the necessities of life, not the least among them certain paper products. We pay sales tax on a host of items. The people gathered at this function, sixty-one in all, unanimously agreed however, that VCR movies or these tapes at the video stores are not necessities of life, but rather fall into those luxuries and entertainment items that we can, quite frankly, live without, although they are enhancers to our relaxation and leisure hours. While they are reluctant, as anybody would be, to say, yes, I understand, sure tax them. No one does it enthusiastically, at least this Legislature is addressing the problem directly. We aren't spelling it as a fee, we don't call it a revenue enhancer or a host of other appendages, all of which literally mean tax. I join the unanimous members in their support of this measure not because I am enthusiastic to vote for an additional in the application of Maine's sales tax, but because it is a logical extension and application of Maine tax policy. That is why. If I can accept it and thirteen members of both sides of the aisle of the Committee on Taxation can accept it, and those people who all represent wage earners, hourly wage earners at that function on Saturday evening can accept it, then I would encourage the members here to pluck your courage and support this Committee Report. Thank you Mr. President.

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

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. I think this would be an easier tax for me to accept and for a lot of people out there to accept if there was a real convincing argument to me and to the people in this state that we have done all that can be done to tighten our belt. Perhaps this is a luxury to some people in this state to go out and rent a VCR and I probably rent four or five myself a month. My six year old enjoys them and I probably will continue to enjoy this luxury that we are about to tax. I look

at the last few years in the Legislature and the way the budget has grown, at all levels of state government, and it concerns me and I know it concerns the public. We don't even have a real idea of what we are going to do with this money. We are just going to raise a tax and we are going to fund a few exemptions that are all worthy. Anybody who wants to go out and argue or look at my record and say that I voted against giving a sales tax exemption to boy scouts, that is all right with me, but I will tell you that I feel quite convinced that boy scouts and girl scouts and some of these items would very well be funded on the Table. We really don't have a serious reason to raise this tax, it is just that there would be some more money that we could spend two or three days when we get out of here. It isn't like we have a plan, we are going to take this money and use it for AMHI or mental health, or increasing property tax relief to the elderly. We don't really have a plan, we are just going to pass this tax and let the people out there see that we are taxing them and we will put it on the Table and I am sure that there may be some more studies we can fund or something. We met here this weekend and we funded some studies which is appropriate, because there is some staff time downstairs on the second floor or the first floor that we need to fund. We have these people who are going to be here this summer, they are going to be helping to study some important issues, so we will be using those people, but maybe if we have three or four million dollars down there, we can study something else, or we can use this money wisely. I suggest that if we don't have this tax, that the people of Maine will be just as well off. We can go home and go about our business and come back here two years from now and if it is such an important issue we can raise the tax then. I am not convinced that we have done enough and maybe I am the only Senator who will stand up here today and say that. maybe I am the only one who believes that. But, I sincerely, wholeheartedly believe that there is more we can do to tighten our belt and until we do that, I am not going to vote for any more taxes, particularly one like this that is offensive, offensive to me and the people that I represent.

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 think it is important to realize what has gone on financially as far as the state is concerned when you are looking at this particular measure. You have to look at a revised sales tax revenue figures which cut in about one hundred and six million dollars to the state over a two year period. You have to look at fifty-two million dollars going back to the people because of over-collection and you have to look at fifty-eight million dollars of proposed property tax relief.

We are talking about having revenues available to fund property tax relief measures here in the State of Maine. We are talking about that excess revenue going towards that. We are also talking about the cuts that have been made by the Executive Branch in Part I and Part II, because of the sales tax revenue figures being off target. We are talking about fifty-two million dollars being over-collected in income taxes that will be going back to people when they file their income tax reports in April. That is what we are talking about. We are giving it all back to people. We are taking the excess revenues that we do have and plugging it into property tax relief, that is what we are talking about. We are not sitting on this mountain of gold, we are giving it

back to the people. That is why I think this measure is a good report. Thank you.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED AS AMENDED IN NON-CONCURRENCE.

A vote of Yes will be in favor of PASSAGE TO BE ENGROSSED AS AMENDED.

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, BOST, BRANNIGAN, BUSTIN, CARPENTER, CLARK, COLLINS, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, KANY, MATTHEWS, PEARSON, PERKINS, THERIAULT, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BERUBE, BRAWN, CAHILL, DILLENBACK, HOLLOWAY, LUDWIG, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

24 Senators having voted in the affirmative and 11 Senator having voted in the negative, with No Senators being absent, the Bill 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 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)

Tabled - June 19, 1989, by Senator MATTHEWS of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-514) AS AMENDED BY HOUSE AMENDMENT "A" (H-601) thereto, in concurrence

(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.)

(In Senate, June 19, 1989, RECEDED FROM PASSAGE TO BE ENGROSSED AS AMENDED. RECEDED FROM ADOPTION of Committee Amendment "A" (H-514). House Amendment "A" (H-601) to Committee Amendment "A" (H-514) READ and ADOPTED, in concurrence.)

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-341) to Committee amendment "A" (H-514) READ and ADOPTED.

Committee Amendment "A" (H-514) as Amended by House Amendment "A" (H-601) and Senate Amendment "A" (S-341) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

Bill "An Act to Revise the Communicable Disease Law"

H.P. 1122 L.D. 1554

(C "A" H-408)

Tabled - June 19, 1989, by Senator GAUVREAU of Androscoggin.

Pending - FURTHER CONSIDERATION

(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408), in concurrence.)

(In House, June 16, 1989, 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, the Senate RECEDED FROM PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED FROM ADOPTION of Committee Amendment "A" (H-408).

House Amendment "A" (H-609) to Committee Amendment "A" (H-408) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-408) as Amended by House Amendment "A" (H-609) thereto, ADOPTED, in concurrence.

On motion by Senator GAUVREAU of Androscoggin, Senate Amendment "B" (S-342) READ and ADOPTED.

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 Later Today Assigned matter:

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

H.P. 481 L.D. 661
(S "A" S-308 to C "A"
H-563)

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - Motion of the same Senator to RECEDE (In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563).)

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563) AS AMENDED BY SENATE AMENDMENT "A" (S-308) thereto, in NON-CONCURRENCE.)

(In House, June 19, 1989, that Body INSISTED.) (In Senate, June 19, 1989, INSISTED. Subsequently, RECONSIDERED whereby the Senate INSISTED.)

Senator BALDACCI of Penobscot requested a Division.

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 has been drafted in regards to this particular item is one in which broadens the definition in scope of what a video display terminal operator is. It broadens it so much more than the original Amendment going from four hours, to anybody that happens to come into a working relationship to this video. So, if someone was working in a bank and wanted to check a check to see whether it was cancelled or not, would be considered under this Amendment, an operator and would be forced to go through the programs and the training that is being required in this particular Amendment. I would hope that we would be able to defeat this motion and if it is in the interest of working out something that I think makes sense that we would be able to Join in a Committee on Conference, but certainly working against this particular Amendment. I hope that you would not support it. Thank you.

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

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. I don't think it is the intention to introduce that Amendment. I think that once we get the motion to Recede out of the way, the motion will be made to Concur. I think we agree with the good Senator from Penobscot, and the Amendment is not a good one, so we just want to Recede and now Concur.

Senator CLARK of Cumberland requested and received Leave of the Senate to withdraw her motion to RECEDE.

Senator DUTREMBLE of York, moved to RECEDE and CONCUR.

On further motion by same Senator, 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 Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question through the Chair to any member of the Body. The item that we are voting on presently is the item which would have us go along with the action from the other Body which would require people that had twenty-five or more terminals to go through certain work station standards, eye examination standards, and all of those types of things. Is that correct?

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

The Chair recognizes the Senator from York, Senator DUTREMBLE.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. To answer the question of the good Senator from Penobscot, Senator Baldacci, not only are we voting to Recede and Concur with the actions of the other Body, but also the same thing that we dealt with the other evening.

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 would just implore upon you that the item before us is not any better than it was when we took it up last Friday night. The fact of the matter is, is there may be an attempt to have something worked out, but it certainly is not what was drafted by the Committee, because it left for twenty-five terminals or more and it left into it standards that were totally unacceptable. I think the only thing now to do is to vote against the motion to Recede and Concur and follow that with a motion to Insist. 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 am not going to repeat all of Friday nights episode, and you can all probably breathe a deep sigh of relief as a result of that, but clearly even the Amended version that we have before us now is no better than it was on Friday. We, if this pending motion should pass, would be the first state in the United States to adopt state-wide regulations of this sort. In a state that is no where near as highly automated or mechanized as several of the other states in addressing a problem that has not been proven to me, even in listening to the testimony, has yet been identified as a problem that exists in the magnitude that those who are supporting this amended version would like to have it perceived as existing. I would

again encourage you as you did Friday evening, to follow through and defeat the pending motion that is before us that this time. Thank you.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. Late Friday night we voted on this issue, perhaps there was confusion because of the late hour and the amount of activity that we had. I am simply going to say that this is a good responsible Bill and I hope that you can support this Bill. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator DUTREMBLE of York, to RECEDE and CONCUR.

A vote of Yes will be in favor to RECEDE and CONCUR.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators None

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, with No Senators being absent, the motion of Senator DUTREMBLE of York, to RECEDE and CONCUR, FAILED.

On motion by Senator BALDACCI of Penobscot, the Senate INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE.

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Office of Children within the Executive Department" H.P. 608 L.D. 832

Majority - Ought Not to Pass.

Minority - Ought to Pass.

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence

(In Senate, June 19, 1989, Reports READ.)

(In House, June 19, 1989, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

Senator GILL of Cumberland requested a Division.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. This L.D. does ask for an Office of Children and it is my Bill, along with Representative Foss, from the other Body, and we had worked long and hard separately on focusing on children in this Legislative Session. I

had prepared a Bill calling for the Department of Children, prior to cloture and put some work and effort into that and as it is with complimentary Bills, the people in research came to me and said that someone else had a Bill in and if I was willing to talk to them, they were willing to talk to me about their initiative.

So, Representative Foss and I got together to put in an Office of Children Bill, because we felt that similar to some of the argument that we had tonight on what monies were available and how departments are set up, I retracted and I was willing to go with an Office of Children. What we were asking for was to look at the children's services that are provided in this state and develop a master plan in our Bill. We had hope to have the Office of Children located in the Executive Branch of government and look at comprehensive and integrated state-wide services and programs that are delivered to children. We have before us an Office of Children Bill at this point in time and you have heard a suggestion that we Accept the Majority Ought Not to Pass Report and I am asking for you to look at this so we can study and perhaps implement it in the future. I think it is important that we do focus on children, there are a lot of initiatives that are pending dealing with children services in the Legislature and I would ask my colleagues here to vote for the Minority Ought to Pass Report.

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

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.

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Department of Child and Family Services" (Emergency) H.P. 1199 L.D. 1666

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-621).

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-622).

Tabled - June 19, 1989, by Senator CLARK of Cumberland.

Pending - Motion of Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) in NON-CONCURRENCE

(In Senate, June 19, 1989, Reports READ.)

(In House, June 19, 1989, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621).)

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. If I may briefly explain the difference between both reports. Report A, which is the Majority Report, has a fiscal

note of one hundred and ninety thousand dollars. It started off with a fiscal note of three hundred and seventy-six thousand dollars, but it was Amended this week to one hundred and ninety thousand dollars. It calls for the establishment of a new Department of Children and Families. It sets up immediately a Commissioner with his or her own department and assistance. What they will do once they are set up in place, the new Commissioner with an Advisory Committee, will devise a plan to implement a transition between existing children's services into one organization.

As we were told in the hearing by the proponents of this Bill, they wanted a "swift" transition. Supposedly, it would be a wash, it would cost money, but we would save money. The reason I went with the Minority Report, Report B, is because we simply could not determine what the savings would be. We were told that some positions would be wiped out. I don't know which positions they intended to wipe out. Report B calls instead of establishing the department with a new Commissioner, it says that you will determine and evaluate the effectiveness of the present children's services, you will review the available children's programs, you will indicate the number of additional positions needed, the total cost of this new department, and the total savings of this new department. Once you have those pieces of information, you will then come back to the Legislature and say here is a Bill that does this, or this, or this. That is Report B. I thought it was an orderly way of doing it, an orderly fashion, that we were not putting the cart before the horse, if you will. I would much prefer Report B to Report A.

Report A hires the Commissioner and his staff and Report B says before you set up the new bureaucracy, let's find out what it is going to cost. This is the basic difference. Report B is thirteen thousand dollars, rather than one hundred and ninety thousand dollars as is Report A. So, with that in mind, I would hope that you would vote to Accept Report B, which is the Minority Report. Thank you.

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. It is with great reluctance that I rise to oppose the motion of the very gracious and capable chair of the State Government Committee, with whom I usually agree on such matters. I hope that as that motion is rejected by a Division, that instead the Body will choose to go with Report A, which does create a department focusing on families and children. We have heard too much and too often about children and families that fall through the cracks and it is simply time for us to focus on these important matters. I urge you to reject the pending motion.

Senator KANY of Kennebec 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 Majority Report of this Bill, Report A, coordinates the fragmented services that are presently provided to children and families by the state. It is an important step to increase both the efficiency and improve the responsiveness for the many families in true need. Please vote no, so that the Majority Report can be Accepted. Thank you.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I rise to support Report B tonight. There has never in the

state system been a systematic study of programs with an analysis of the service system that we have. We can't create a new bureaucracy until we know how it is going to help and whether it is going to help. There have been two Legislative Commissions that have looked at children services this past year and they concluded that we had to analyze the service system before we create a new bureaucracy and one of is the Children In Need of Treatment Report. This report does state that the Commissions recommends that a study be undertaken to evaluate the efficacy of the current youth and family service system in the State of Maine. This comprehensive study will focus on adequacy of the current response to Maine children and families in need of services and will be conducted. They call for an independent firm. The Commission on Youth will oversee this study. I think before we buy into something that we don't know what the future costs are going to be, that we look at a study of this proposal and Report B does this.

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

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I was an active member on the Children in Need of Treatment and it is true that we wish to move ahead in a Commission type of way to look at a department for children, but it is also true that we set out to set up a series of services, multiple help for multiple problems, a multiple need, a great deal of work, time, energy, and money was spent on that effort in the last two years. Let me tell you that little or nothing is going to come from that. For many reasons, one of which is there is no money to set up services. So, I say it is time to move toward a higher priority for children. We have studied it to death and I am going to vote against Report B and for Report A, so that we will have one group with some clout, a beginning of a group as I understand the Report, to begin to focus and pull some power into a system to help children. I think we can at least do that in this session. I ask you to reject this and to Accept Report A.

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

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. I appreciate the good Senator from Cumberland, Senator Brannigan, asking for Report A to be the Report that is passed, but precisely for the reasons he spoke of. We have had initiatives in this Legislative Session and there has been no money to deal with them. I believe that money should be spent on direct service to children and not necessarily setting up a whole new department. We have had millions of dollars that will die because of lack of funding and it will die on the Appropriations Table and services for autistic children, services for children with mental illness and other children will not be served because of the lack of money. If I have an energy left in me, I will fight for a Report that can set up and show us where we need to spend this money, how we need to spend this money, and what is the best vehicle to do it, whether it is through an office or department, or whether we need either one of them. Thank you.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I, too, am most reluctant this evening to indicate my support for the Ought to Pass as Amended by Committee Amendment "A" (H-621) in contrast to the esteemed Senate Chair of the Joint Standing Committee on State and Local Government, but I do so because this issue

represents a major segment of the 1989, 114th Maine Legislature democratic blueprint. The legislation establishes a department and it sets the date, as I understand it, of July 1, 1990, for it to be operational. That is clear enough for all of us.

It provides for a one year transitional and design process to begin ten days after the effective date of this legislation. So, the timing posts have been erected. It is further my understanding that a thirteen member Legislative Joint Select Committee on Families and Children will design and monitor the establishment of this department. The Commissioner, whoever that person may be, of this proposed new department, will be like all Commissioners appointed by our Governor with confirmation by this Maine Senate. I perhaps should say by the Legislature through the Committee process and ultimately confirmed in the Senate. The new Commissioner is to be appointed within forty-five days of this Bills effective date in order to assist both the Executive and Legislative Branches with implementing the new agency in a cooperative and positive environment. For those of you who are interested in history, the 105th Maine Legislature was the Legislature historically whose prime focus was state government organization and perhaps even reorganization from this perspective. The process in setting up this proposed department mirrors or closely follows the process employed by the then Republican controlled Legislature and a Democratic Governor, Kenneth Curtis. This Democratic Legislature, this 114th Legislature, looks forward should the Committee Amendment "A" Report prevail ultimately to an equally amicable and cooperative spirit on behalf of the Republican McKernan Administration in establishing this new department.

We all recognize our responsibility regardless of our preference for organizational structure. To tomorrow's children, as well as today's, so it is appropriate that today and particularly this evening that we take the first step and begin building the heritage founded in family renewal and when needed family focused state services. Thank you Mr. President.

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 don't appear and speak today as an expert on children services. although I have brought up six children and provided them lots of services. However, I am persuaded by the good Senator from Androscoggin, Senator Berube, that perhaps we ought to look at this subject a bit more before we establish another bureaucracy. I am equally persuaded by the good Senator from Cumberland, Senator Gill, that bureaucracy won't help expand services to children. It seems to me that we, in fact, ought to look at this a bit more before we, in fact, establish such an office. I don't suggest that a new department ought not to ever be established, but I would hope that you would join me in voting for Report B this evening. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) Report in NON-CONCURRENCE.

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 BY COMMITTEE AMENDMENT "B" (H-622) Report, please rise in heir 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 17 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-622) Report in NON-CONCURRENCE, PREVAILED.

The Bill READ ONCE.

Committee Amendment "B" (H-622) READ and 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.

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 Provide a Special Adjustment for Border Hospitals Experiencing Economic Hardship

H.P. 196 L.D. 276

(C "A" H-598)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Provide a Special Adjustment for Hospitals Having Unusually Low Financial Requirements per Case

S.P. 382 L.D. 1018

(C "A" S-317)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Municipal Limit for School Debt

H.P. 927 L.D. 1293

(C "A" H-587)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Implement, Administer and Enforce the United States Emergency Planning and Community Right-to-Know Act of 1986

S.P. 540 L.D. 1475
(C "A" S-307)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with No Senators having voted in negative, and 35 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 Providing for the Development of a Proposal for the Delivery of Substance Abuse Programs Throughout the State

S.P. 563 L.D. 1566
(C "A" S-306)

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

Emergency

An Act to Clarify the Subdivision Laws

H.P. 1174 L.D. 1628
(H "A" H-614 to C "A" H-521)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Modify the Recruitment and Retention Adjustment Process

S.P. 589 L.D. 1651
(C "A" S-291)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Establish a Program to Prevent Spousal Impoverishment

H.P. 1224 L.D. 1696
(C "A" H-594)

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

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

ENACTORS

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

Emergency

An Act to Create the Maine Family Development Foundation

H.P. 1226 L.D. 1698
(C "A" H-597)

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

Emergency

An Act to Create the Deer Isle Consumer-owned Water Utility

S.P. 629 L.D. 1723
(C "A" S-319)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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 Teacher Retirement System Laws to Allow Contributions for Associates in Education

S.P. 643 L.D. 1735
(C "A" S-312)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 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 Concerning the Public Utilities Commission

S.P. 649 L.D. 1744
(C "A" S-313)

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.

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 Laws Pertaining to the Commission on Biotechnology and Genetic Engineering
H.P. 1252 L.D. 1751
(C "A" H-613)

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

Emergency Resolve

Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers

H.P. 530 L.D. 715
(C "A" H-548)

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:

Emergency Resolve

Resolve, to Study International Trade Opportunities and Foreign Ownership and Investment in Maine

H.P. 735 L.D. 1012
(C "A" H-582)

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

Emergency Resolve

Resolve, Concerning the Development of a New Master Plan for the Capitol Area

H.P. 1172 L.D. 1626
(C "A" H-551)

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:

Emergency Resolve

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development

S.P. 607 L.D. 1701
(C "A" S-294)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1989

H.P. 1261 L.D. 1757

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

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, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1989

H.P. 1263 L.D. 1759

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 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
(C "A" H-608)

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:

Bond Issue

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
(C "A" H-607)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 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
(C "A" H-610)

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:

Constitutional Amendment

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

H.P. 1255 L.D. 1754

(H "A" H-537)

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 to Increase the Penalty for Destruction of Law Enforcement Canines

H.P. 1092 L.D. 1525
(H "A" H-570 to C "A" H-487)

An Act to Exempt Contracts Supplementing the Civilian Health and Medical Program of the Uniformed Services from the Mandated Benefits for Substance Abuse and Mental Illness

H.P. 1230 L.D. 1715
(C "A" H-547)

An Act Relating to Transportation of Hazardous Materials by Railroad

H.P. 1231 L.D. 1716
(C "A" H-580)

An Act to Promote Greater Access to Health Screening

H.P. 1238 L.D. 1729
(C "A" H-565)

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

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 Ensure Regular Attendance for All Maine School Children

H.P. 1168 L.D. 1622
(C "A" H-555)

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 to Protect the People of Maine from Exposure to Radioactive Waste

H.P. 1141 L.D. 1584
(C "A" H-605)

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

An Act to Promote Prompt and Peaceful Settlements of Labor Disputes

S.P. 385 L.D. 1021
(C "A" S-296)

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

An Act Relating to Compensation for Hearing Losses Under the Workers' Compensation Act

H.P. 1008 L.D. 1406

(C "A" H-550)

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

An Act to Establish a Commission on State Finance

H.P. 1113 L.D. 1546
(H "A" H-558 to C "A" H-423)

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

An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules

H.P. 1144 L.D. 1587
(C "A" H-588)

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

An Act to Provide for Appeal of Certain Decisions of Counselors Employed by the Driver Education Evaluation Program

H.P. 1151 L.D. 1605
(C "A" H-554)

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 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
(C "A" H-560)

An Act to Improve Retraining Opportunities for Maine Workers

H.P. 999 L.D. 1388
(C "A" H-567)

An Act to Prohibit Dumping of Sanitary Waste in Inland Waters

H.P. 1060 L.D. 1482
(C "A" H-574)

An Act to Regulate Development Along Certain Water Bodies

H.P. 1125 L.D. 1568
(C "A" H-566)

An Act Concerning the Teaching of Cosmetology

H.P. 1126 L.D. 1569
(C "A" H-583)

An Act Regarding the Training Costs of Police Officers

H.P. 1136 L.D. 1579
(C "A" H-585)

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 Concerning Boating and Other Water-based Activities

H.P. 59 L.D. 80
(C "A" H-579)

An Act to Amend the Workers' Compensation Self-insurance Law

H.P. 473 L.D. 638
(C "A" H-595)

An Act to Protect Children from Illegal Tobacco Sales

H.P. 970 L.D. 1348
(S "A" S-304; S "B" S-305 to C "A" H-518)

An Act Regarding Special Seasonal Agency Liquor Stores

H.P. 1246 L.D. 1739
(C "A" H-602)

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 Relating to Drug Testing

H.P. 609 L.D. 833
(C "A" H-599)

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

An Act to Revise the Medical Examiner Act

H.P. 905 L.D. 1262
(C "A" H-584)

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 to Amend the Laws Relating to Truants, Dropouts and Alternative Programs

S.P. 121 L.D. 187
(C "A" S-290)

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
(C "A" H-541)

An Act to Establish the Mental Health Advisory Committee on Medicaid

S.P. 467 L.D. 1252
(S "B" S-288 to C "A" S-184)

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 Relating to the Collection of Specified Health Care Information

H.P. 32 L.D. 32
(C "A" H-596)

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

An Act to Strengthen Land Use Management in Maine's Unorganized Territories

H.P. 183 L.D. 248
(S "A" S-325 to C "A" H-571)

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

An Act Concerning Complaints Against Health Care Practitioners

H.P. 1009 L.D. 1407
(C "A" H-546)

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. Could someone from the Committee please explain this Bill. What does it do?

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

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 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

In House, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-577) AS AMENDED BY HOUSE AMENDMENT "B" (H-606) thereto.

In Senate, June 16, 1989, with the Report READ and Bill and Accompanying Papers RECOMMITTED to the Committee on TRANSPORTATION in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

On motion by Senator THERIAULT of Aroostook, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Concerning the Maine Railroad Excise Tax"

S.P. 235 L.D. 565
(C "A" S-277)

In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277) AS AMENDED BY HOUSE AMENDMENT "B" (H-631) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Off Record Remarks

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:

ENACTORS

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

An Act to Restrict the Use of Lobster Trap Dipping Solutions

H.P. 823 L.D. 1155
(H "A" H-553 to C "A" H-485)

An Act Authorizing and Directing the Department of Inland Fisheries and Wildlife and the Bangor Water District to Develop a Plan for the Protection of Sunapee Charr Habitat at Floods Pond

H.P. 985 L.D. 1363
(C "A" H-557)

An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes

H.P. 1012 L.D. 1410
(S "A" S-301 to C "A" H-461)

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

S.P. 645 L.D. 1738
(C "A" S-303)

An Act Transferring Concurrent Legislative Jurisdiction over Brunswick Naval Air Station

H.P. 1266 L.D. 1761

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 Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630
(C "A" H-586)

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

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

ENACTORS

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

An Act to Further Protect Freshwater Wetlands
H.P. 129 L.D. 173
(C "A" H-603)

An Act to Amend and Improve the Laws Relating to Education

S.P. 481 L.D. 1302
(C "A" S-292)

An Act to Clarify the Provisional Payments Provision of the Workers' Compensation Law Regarding Disability and Medical Payments

S.P. 555 L.D. 1558
(C "A" S-314)

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 the Laws Governing the Operation of a Watercraft While Under the Influence

S.P. 84 L.D. 84
(C "A" S-309)

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

An Act to Improve the Sardine Inspection and Grading Programs

S.P. 562 L.D. 1565
(C "A" S-297)

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

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

S.P. 509 L.D. 1397
(C "A" S-299)

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

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

ENACTORS

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

An Act to Simplify Reporting Requirements for Workers' Compensation Insurers and Self-insurers
S.P. 396 L.D. 1040
(C "A" S-298)

An Act to Allow the Board of Harbor Commissioners for Portland Harbor to Charge Service Fees

S.P. 404 L.D. 1048
(C "A" S-324)

An Act to Protect Maine Workers from Needless Injury and Death by Creating the Offense of Work-related Manslaughter

S.P. 508 L.D. 1396
(S "A" S-318 to C "A" S-276)

An Act Amending the Law Governing the Maine Committee on Aging

S.P. 544 L.D. 1515
(H "A" H-561 to C "A" S-251)

An Act to Create the Maine Jail Industries Authority

S.P. 647 L.D. 1742
(H "A" H-552)

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 Commercial Driver License Laws

S.P. 460 L.D. 1245
(C "A" S-311)

On motion by Senator TWITCHELL of Oxford, placed on the SPECIAL HIGHWAY 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 to Establish an Advisory Committee on Home Health

S.P. 580 L.D. 1642
(C "A" S-287)

An Act To Protect Maine Businesses against Workers' Compensation Insurer Rate Gouging

S.P. 590 L.D. 1652
(C "A" S-302)

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

Resolve

Resolve, to Clear Title or to Secure a Release of Property from the State

H.P. 1149 L.D. 1603
(C "A" H-545)

Which 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:

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims"

S.P. 318 L.D. 855
(C "A" S-295)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295) AS AMENDED BY HOUSE AMENDMENT "A" (H-619) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue"

H.P. 670 L.D. 918
(C "A" H-531)

In Senate, June 15, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531) AS AMENDED BY HOUSE AMENDMENT "A" (H-630) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish a Budget Committee for Kennebec County" (Emergency)

S.P. 592 L.D. 1669
(C "A" S-323)

In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-323).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-323) AS AMENDED BY HOUSE AMENDMENT "A" (H-634) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS OF THE DAY

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

An Act Concerning Complaints Against Health Care Practitioners

H.P. 1009 L.D. 1407
(C "A" H-546)

Tabled - June 19, 1989, by Senator DUTREMBLE of York.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-546), in concurrence.)

(In House, June 19, 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.

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 to Pass As Amended

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish Finance Committee Districts and Procedures for Aroostook County"

H.P. 1251 L.D. 1750

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-632).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-632) READ and ADOPTED, in concurrence.

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

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

H.P. 438 L.D. 603

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-633).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-633) READ.

THE PRESIDENT: The pending question before the Senate is ADOPTION of Committee Amendment "B" (H-633), in concurrence.

Senator WEBSTER of Franklin requested a Division.

On motion by Senator BALDACCIO of Penobscot, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "B" (H-633), in concurrence. (Division requested)

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

H.P. 1258 L.D. 1755

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-628).

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
CARPENTER of York

Representatives:

HANLEY of Paris
BEGLEY of Waldoboro
MCCORMICK of Rockport
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 "B" (H-629).

Signed:

Representatives:

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

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-629).

Which Reports were READ.

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

On motion by Senator PEARSON of Penobscot, ADJOURNED until Tuesday, June 20, 1989, at 10:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
87th Legislative Day
Tuesday, June 20, 1989

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

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

The Journal of Monday, June 19, 1989, was read and approved.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

PAPERS FROM THE SENATE
Non-Concurrent Matter

An Act Relating to Sales Tax Exemptions and Revenues (Emergency) (H.P. 975) (L.D. 1353) (C. "A" H-446) which was passed to be enacted in the House on June 15, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-446) as amended by Senate Amendment "A" (S-336) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Revise the Communicable Disease Law" (H.P. 1122) (L.D. 1554) which was passed to be engrossed as amended by Committee Amendment "A" (H-408) as amended by House Amendment "A" (H-609) thereto in the House on June 16, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-408) as amended by House Amendment "A" (H-609) thereto and Senate Amendment "B" (S-342) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) (L.D. 661) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-563) in the House on June 19, 1989.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-563) as amended by Senate Amendment "A" (S-308) thereto and asked for a Committee of Conference in non-concurrence.

The House voted to Insist and Join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Establish the Department of Child and Family Services" (EMERGENCY) (H.P. 1199) (L.D. 1666) on which the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-621) in the House on June 19, 1989.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-622) in non-concurrence.