

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

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

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

In Senate Chamber
Friday
June 30, 1989

Senate called to Order by the President.

Prayer by the Honorable Donald F. Collins of Aroostook.

SENATOR COLLINS: Let us pray. As we look out upon the glorious day, we are reminded of the perfection of Thy handiwork. We ask that as we complete our handiwork, fashioning the laws of this state, that You will grant us wisdom and understanding. That You will give us patience, rather than anger, kindness, rather than vindictiveness, and compassion for those we serve. Finally, dear Lord, grant us a sense of humor, so that we may reach the end of this long, long day with grace. Amen.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 29, 1989

To The Honorable Members of the 114th Legislature

I am returning, without my signature or approval, S.P. 118, L.D. 184, "An Act Clarifying Intoxication Under the Workers' Compensation Law." This bill, as amended, is inconsistent with recent legislation passed by the 113th Maine Legislature to curb alcohol-related abuses, and establishes dangerous presumptions for both intoxication and non-intoxication in the workplace.

This bill was originally submitted as part of my Administration's efforts to improve workplace safety. The bill was since amended to raise the presumption of intoxication of an employee from .08 per cent, the standard under the state's OUI laws, to .15 per cent or more of blood alcohol content (BAC). Of even greater import and objection is the converse presumption -- namely that an employee is not presumed to be intoxicated if the employee has a BAC of less than .15 per cent.

Medical experts assert that a BAC of .15 per cent is a strikingly high threshold for intoxication, and would likely place a casual drinker in a highly inebriated state. I find it incredible that the Legislature should now endorse raising the presumption level in the workplace to nearly double that of Maine's new, highly acclaimed maximum allowable levels of BAC for operating a motor vehicle, particularly in light of the medical evidence presented last year on the inappropriateness of the .10 per cent BAC.

L.D. 184 as enacted does little, if anything, to accomplish the intent of the original legislation. Instead of deterring the use of alcohol in the workplace -- and thereby reducing serious accidents -- this bill protects people who use a significant amount of alcohol while working. It is simply incongruous to hold operators of motor vehicles along public ways to a reasonable standard of .08 per cent BAC while allowing people in the workplace -- some operating heavy duty and very dangerous equipment --

to be held to a standard that is almost twice as lenient. This is particularly bothersome in light of the attention given in this legislative session to the serious concern over workplace deaths, which culminated in the enactment of a law creating a new crime of workplace manslaughter.

The intent of L.D. 184 as originally drafted was to protect workers by curbing alcohol-related abuses and to recognize that employers still had an obligation to employees to provide benefits in an alcohol-related injury "if the employer knew that the employee was intoxicated or that the employee was in the habit of becoming intoxicated." We can and must provide the same protection to co-workers and the public from intoxication in the workplace as we provide to those on our streets and highways.

For these reasons, I am opposed to L.D. 184 and urge you to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Accompanying Bill:

Bill "An Act Clarifying Intoxication Under the Workers' Compensation Law"

S.P. 118 L.D. 184
(H "B" H-664 to C
"A" S-182)

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

ENACTORS

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

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

H.P. 481 L.D. 661
(C C "A" S-402 to C "A"
H-563)

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.

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: (6/29/89)

Bill "An Act to Correct Certain Technical Errors in the Laws of Maine" (Emergency)

H.P. 1285 L.D. 1777

Tabled - June 29, 1989, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED, without reference to a Committee, in concurrence (Committee on JUDICIARY suggested and ORDERED PRINTED.)

(In Senate, June 29, 1989, under suspension of the Rules READ TWICE.)

(In House, June 29, 1989, under suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.)

Which was PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence. Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency
An Act to Provide for State Sharing of Certain Minor Capital Costs

S.P. 82 L.D. 83
(S "A" S-249 to C "A" S-238)

Tabled - June 14, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238) AS AMENDED BY SENATE AMENDMENT "A" (S-249) thereto.)

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

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

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. What I am doing is removing Bills from the Appropriations Table to be carried over.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Increase the State Share of Education Funding

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

Tabled - June 12, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 6, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-209).)

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

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Clarify Costs Associated with the Purchase of Land by School Administrative Units

S.P. 181 L.D. 338
(C "A" S-43)

Tabled - April 25, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, April 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43).)

(In House, April 24, 1989, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Encourage Development and Use of Community Corrections Programs

H.P. 370 L.D. 501
(C "A" H-207)

Tabled - May 25, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, May 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207), in concurrence.)

(In House, May 24, 1989, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Amend the Community Corrections Law

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

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

Pending - ENACTMENT

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-255).)

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

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Create the Youth-at-Risk Alternative Education Program

H.P. 585 L.D. 789
(C "A" H-250)

Tabled - June 1, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, May 25, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250), in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers

H.P. 744 L.D. 1027
(C "A" H-188)

Tabled - May 25, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, May 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-188), in concurrence.)

(In House, May 23, 1989, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Concerning Educational Enhancement

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

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

Pending - ENACTMENT

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501), in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Increase Family Support Services to Maine Families Who Choose to Care for Their Developmentally Disabled Children at Home

H.P. 805 L.D. 1117

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

Pending - ENACTMENT

(In Senate, May 10, 1989, PASSED TO BE ENGROSSED, in concurrence.)

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

On further motion by same Senator, Bill and Accompanying Papers RECOMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act Relating to School Construction

S.P. 459 L.D. 1244
(C "A" S-230)

Tabled - June 14, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-230).)

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

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Establish the Department of Families and Children

H.P. 1199 L.D. 1666
(H "B" H-658 to C "A" H-621)

Tabled - June 22, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 20, 1989, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621) AS AMENDED BY HOUSE AMENDMENT "B" (H-658) thereto, in concurrence.)

(In House, June 22, 1989, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act to Create the Maine Family Development Foundation

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

Tabled - June 19, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597), in concurrence.)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

On further motion by same Senator, Bill and Accompanying Papers COMMITTED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS in NON-CONCURRENCE.

Under suspension of the Rules, ordered sent forthwith.

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

SENATE PAPERS

Bill "An Act to Encourage Air Transportation to Designated Locations in Maine"

S.P. 665 L.D. 1778

Presented by Senator THERIAULT of Aroostook
Cosponsored by Senator BUSTIN of Kennebec,
Representative PARADIS of Frenchville and
Representative MARTIN of Van Buren

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

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE, without reference to a Committee.

THE PRESIDENT: The pending question is PASSAGE TO BE ENGROSSED.

Senator WEBSTER of Franklin requested a Division.

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

Senator THERIAULT: Thank you Mr. President. Mr.

President, men and women of the Senate. I hope you will forgive me for the lateness of this Bill, but like you know, sometimes we are the victim of circumstance of a situation and this is what happened in this particular situation. Yesterday morning, it was announced that one of our airlines is going to stop service to Bar Harbor and also to Augusta. Being from a very beautiful area of the State, but also remote, who presently has air service, I was concerned that possibly in my area we could be effected by this move. Consequently, I did talk to the individual who is the fixed base operator at the Frenchville Airport and he did tell me that possibly the future of our little airline, which is Valley Airline, could be in question, because apparently the operation is marginal at best. I do know how useful that particular airline is to us. It is useful from the viewpoint that we have a number of our business people who have appointments or business dealings outside of our immediate area. In case you might not know, we live about three hundred miles from Augusta. So, anytime that one of our business people would have to come to Augusta, you could almost say that, if they do drive, it is a three day deal. Whereas, if you have an airline, like we presently have, it is a matter of a few hours, it is about a hour flight from Frenchville to Augusta.

I was very concerned that something needed to be done and I guess I knew that there was a lot of objection to the proposal that was brought forth last week as far as providing a tax break for our airlines. I know that it did pass here in the Senate, but it met with difficulty elsewhere. Probably before I go on with this, I think you should know that this before us is an original idea, it does not come from any of the lobbyists, nor does it come from any of our airlines. If you will notice the cosponsors of this Bill, two of them are from the St. John Valley and the other one is from Kennebec, Senator Bustin, who agreed to cosponsor this Bill in the announcement the town of Augusta was also mentioned as one of the communities that would be losing some of the service that they have now and looking to the future it could happen here again.

What this does, essentially, is it sets aside an amount of money to assist those airlines who would provide a service to designated locations in Maine. This would be based on a formula fashioned somewhat after a formula that presently exists at the national level. So, we could assist those airlines that would be willing to provide the service to these designated areas. These areas would be determined by the Commissioner of Transportation, by virtue of rule-making and public hearing. Some of the basic requirements that are in the Bill is this: In order to qualify for some of these funds, it would have to be an air carrier certified by the Federal Aviation Authority. They would have to provide a scheduled service. They would also have to demonstrate a need for that subsidy. Only those flights that would originate and terminate in Maine would be eligible. A community would have to demonstrate that there is a need and there would be a certain amount of usage.

This Bill was put together by the Commissioner of Transportation, at the request of the Valley Delegation. I feel that remote Maine does need air service and this would be a way of assisting those carriers who would like to provide that service. It is not earmarked for any particular airline, it is for those who are willing to provide the service. I wish that you would help me support this Bill, because we really need an airline in my part of the state. 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 support the concept of the Bill, I just really question if the funding is adequate. The city of Waterville, with its airport, certainly would fall within this jurisdiction, since it is served by only one airline and that is Valley Airline. As Senator Theriault of Aroostook indicated, Valley Airline is in a tenuous economic position and the service is really only to Rockland from Waterville. That is the extent of the current service, even though the city of Waterville, in direct costs alone, as averaged pouring over one hundred thousand dollars into that airport annually, spending approximately one hundred and twenty-five thousand a year, receiving about twenty-five thousand in revenues. Consequently, understandably, I was very much interested in having a detailed study of the management and economics of such a small airport. In checking with consultants throughout the northeast, I found that for adequate, knowledgeable consultants, it would cost about twenty to twenty-five thousand dollars to do just such a study for Waterville alone. Our city council, in saving money, decided not to fund such a study, which I found to be kind of interesting, but that is beside the point.

Consequently, for the State of Maine to analyze the situation concerning such small airports as Augusta's, which is our state airport, and those servicing Aroostook and other areas, such as Rockland, I just cannot envision fifty thousand dollars being enough to study the analysis and also to offer some incentives or assistance. I would just ask you to speak to that.

I am sorry, I apologize to the Senator from Aroostook, Senator Theriault, it is five hundred thousand dollars not fifty thousand dollars, and that is a very adequate and very appropriate dollar amount. I would like to commend you for sponsoring this legislation which I think is very important. Did you ever think you would hear an apology from the Senator from Kennebec ever on the floor of the Maine Senate or the Maine House, I think it must be the first time in fifteen years.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. In the first place, you don't need a study, because if there was enough business in Frenchville, or any of these other airports, the airline would be going into those places. I have flown into Frenchville many times and it was all by charter. You have Presque Isle, which has air service, you have Lewiston that has air service, they may have to drive a short way.

Why spend fifty thousand dollars or half a million each year, when we can't even pay the things we have now on the Appropriations Table? That is rather ridiculous to spend a half a million dollars in either one of these situations. It isn't practical, you may vote for it, but you aren't going to get anything, because if the business was there, the airlines would be there. 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 guess I would like to pose a question to anyone who may care to answer. To the best of my knowledge, there is a federal program that does subsidize under-served areas. I am just wondering if we are not being a little premature with this, since the announcement

has just come forth and the service has not been reduced at this point in time. I can tell you being from a area that has a small community airport that is in competition with a much larger airport and has been struggling for a number of years, that it is a difficult program to keep going. We have tried everything within the community, one time we had a community program to encourage the businesses to fly out of the local airport, as opposed to driving the thirty-five miles down the road to the much larger airport, and that program was effective for the short haul, but it didn't carry forth and it did not leave much encouragement to the then servicing carrier to provide and upgrade service. I do know that the carrier that was servicing the airport, at the time, did receive a federal subsidy and has continued to the best of my knowledge, that program is still in place. In my opinion, I think we are acting too hastily on this without all other areas and avenues being addressed first, and other areas of funding being solicited.

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

The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator THERIAULT: Thank you Mr. President. Mr. President, men and women of the Senate. I did ask that question from the Commissioner and I understand that there is only one community in Maine that does receive that kind of subsidy and it is your airport in the area of Auburn. The others are not receiving any subsidy. I also understand that the federal subsidy is about to dry up on that, this is what I have been led to believe.

I would like to say a few words on what my good colleague from Cumberland, Senator Dillenback did say. I am a little concerned about what he did say, primarily because he is within hovering distance of our international airport in Portland. He is surrounded by two super highways and I want you to realize that what we have leading to our part of the country are two little ribbons. I can see why he wouldn't be concerned, but I hope that you are willing to look beyond that and look at us as to what we have. I hope that you vote to support this Bill. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I agreed to sign onto this Bill because my good friend from Aroostook, Senator Theriault, asked me to and I, quite frankly, did not read the Bill beforehand. I did that purposely, although normally I read Bills before I sign them. I did it because when Bar Harbor Airlines was here for their Bill, I voted for them and I voted against them, depending on what the issue was. When I talked to them, and believe me one of the lobbyists here is one of those little kids that I grew up with, and I delivered my son to his house, so I know this man very well. He knew enough to say to his fellow lobbyists on the issue a year ago that I have talked to Beverly, we have pushed her as far as she is going to go, and that is it. So, it is a very good relationship there.

This time when he lobbied me. I did not tell him how I was going to vote. Number one, I wasn't really sure how I was going to vote. I, in fact, voted for Bar Harbor Airlines this time, simply because we had already given an exemption to another area of industry and I didn't feel it was right to take away this one. But, while they were talking to me what I said to them was, "what is going to happen to the

Augusta airport?" At that time, they wouldn't tell me that they were going to go out. It wouldn't have matter how I was going to vote anyway, because I didn't tell them how I was going to vote, I merely asked the question. It wasn't extremely important to me which way they answered, because I kind of knew they were going to pull out anyway. In fact, it wasn't two days later that I got a call from the press saying, "what do you think about Bar Harbor Airlines pulling out of Augusta?" Well, I wasn't surprised and that is what I said. I knew that would happen. I knew it would happen because we are not subsidizing our air service the way that I think we should.

There are a number of reasons why we should subsidize transportation and does it really matter whether we are talking about railroads, airplanes, buses, ferries, or what we are talking about? I say it does not. What it does is whether or not we need that kind of service. Can you, in conscience, say that because an isolated community is isolated, they should not have air service? I think not. In fact, this Bill may not even effect Augusta, quite frankly. But, in fact, it may effect Augusta and if it does, I think it is very criminal that we would not have some kind of air service into the state capitol. I think that is something that you really ought to consider.

On the federal subsidy issue, even if we had federal subsidy for air serve, you may also have state subsidy for air service. One does not preclude the other. You can, in fact, do both if you so choose. If we are committed to communication across this vast state with the vast land areas that have to be traveled someday, then we ought to be committed to this Bill and let's see what we can do for our air service in those isolated communities. Thank you.

On motion by Senator THERIAULT of Aroostook, 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. We have discussed this issue in many different ways. Today, you have a piece of legislation in front of you which I was not a part of and the first I knew about it was when I came here this morning and saw it on my desk. I think it makes sense, it is a good approach to the problem in many of the rural areas, because they no longer get bus service in northern and eastern Maine. Most of the bus lines have been discontinued and air service is the only form of transportation, if we are going to enjoy the company of our fellow comrades from Aroostook County on a regular basis. Unfortunately, maybe we just don't experience that among our larger cities like Bangor and Portland, but in northern and eastern Maine there are certain areas that do need this transportation to be connected. I think that, in fact, is something that we should be very sensitive towards. It allows the Department of Transportation to promulgate the rules necessary, the Committee on Transportation has oversight on it, so I think you have enough safe guards built into it and I think you ought to give it a shot. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is PASSAGE TO BE ENGROSSED.

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

A vote of No will be opposed.

Is the Senate ready for the question?

Senator BERUBE of Androscoggin who would have voted NAY requested and received Leave of the Senate

to pair her vote with Senator HOBBS of York who would have voted YEA.

Senator DUTREMBLE of York who would have voted YEA requested and received Leave of the Senate to pair his vote with Senator ANDREWS of Cumberland who would have voted NAY.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BOST, BRANNIGAN, BRAWN, BUSTIN, CLARK, COLLINS, ERWIN, ESTES, ESTY, GAUVREAU, KANY, PEARSON, PERKINS, THERIAULT, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators CAHILL, CARPENTER, DILLENBACK, EMERSON, GILL, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, RANDALL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

PAIRED: Senators ANDREWS, BERUBE, DUTREMBLE, HOBBS

18 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 4 Senators having paired their votes and No Senators having absent, the Bill was PASSED TO BE ENGROSSED.

Bill "An Act Concerning the Medicaid Advisory Committee to the Bureau of Medical Services in the Department of Human Services"

S.P. 666 L.D. 1779

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

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

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

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Senator BALDACCI for the Committee on TAXATION on Bill "An Act Concerning Property Tax Relief for the Elderly"

S.P. 368 L.D. 985

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

Off Record Remarks

On motion by Senator ESTY of Cumberland, RECESSED until 4:00 this afternoon.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on TAXATION on Bill "An Act to Reduce the Property Tax Burden" (Emergency)

H.P. 414 L.D. 557

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 Correct Certain Technical Errors in the Laws of Maine

H.P. 1285 L.D. 1777

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Operations of the Division of Public Administration" (Emergency)

H.P. 1233 L.D. 1718

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

SECOND READERS

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

Senate

Bill "An Act Concerning the Medicaid Advisory Committee to the Bureau of Medical Services in the Department of Human Services"

S.P. 666 L.D. 1779

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-411) READ and ADOPTED.

Which was 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 Concerning the Salaries of the Washington County Treasurer and Deputy Treasurer" (Emergency)

S.P. 663 L.D. 1776

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

In Senate, June 29, 1989, under suspension of the Rules. READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-688) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act Regarding the Employment of 15-year-olds in Public Accommodations for Lodging" (Emergency)

H.P. 293 L.D. 405
(H "B" H-682 to H "A" H-654)

In Senate, June 29, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-654) AS AMENDED BY HOUSE AMENDMENT "B" (H-682) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-654) AS AMENDED BY HOUSE AMENDMENT "C" (H-687) thereto, in NON-CONCURRENCE.

The Senate ADHERED.

On Senator HOLLOWAY of Lincoln, moved that the Senate RECONSIDER whereby it ADHERED.

Senator BUSTIN of Kennebec requested a Division.

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

Senator HOLLOWAY: Thank you Mr. President. Mr. President, men and women of the Senate. I do hope that we will stand by our previous vote on this particular piece of legislation that would allow fifteen year-olds to work in restaurants that are attached to motel and hotels in the area. So, I do hope that you will stand by the vote that we had on this last week, so that we might come to the position of Receding and Concurring.

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 pose a question. It is my understanding that there has been a House Amendment attached, H-687, and I haven't had a chance to look at that. That was taking off the Emergency of this legislation. So, therefore, I would encourage the Senate that we go along with the motion to Reconsider our action so that we can talk about the issue, or vote on the issue, of fifteen year-olds working in lodging houses and then move to Recede and Concur.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. Frankly, I don't know how I want to vote on this pending motion to Reconsider, because if we Reconsider and then move to Recede and Concur, we are going to be removing the Emergency provision from a Bill which would have made this measure effective this year. While all of this was acceptable by the majority of the members of this Chamber, there is also another issue, as I remember, before the Legislative Council, which provides for a study of the entire issue of the role of fifteen

year-old citizens in our state working in these kinds of environment. If it isn't an Emergency measure to be effective for this summer season, then I guess I am beginning to question the need for the Bill at all, in light of the Legislative Council's action to accept the issue as one of the interim studies, which would ultimately result in the generation of legislation for the next Regular Session. Maybe somebody could help us all, I have a funny feeling that I am not the only one who is a wee bit confused.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I understand the Senator from Cumberland, Senator Clark's concern. I also share that concern. The question that I did pose is whether or not this is the proper time to ask to Indefinitely Postpone this item and I understand that it is not a proper time to do that. I would like to explain exactly what has been said so that it is real clear to everyone.

The Amendment that was added on in the House takes the Emergency clause off this Bill. The Bill would only have dealt with summertime employment from June 15 until Labor Day. When the Emergency is taken off, it means that it won't go into effect until next summer, not this summer. There is a study commission that is a joint labor and education study commission to look into all of these issues. In fact, it was unanimously agreed to, as I discussed before, that this was the proper procedure to use by the Labor Committee. In fact, today in the House there was a motion for Indefinite Postponement that did lose. The good Representative from Falmouth, Representative Reed, the lead person on the Labor Committee supported it. In the Senate when we voted on this, the good Senator from Androscoggin, Senator Whitmore, supported Indefinite Postponement, because we had all discussed it. As an Emergency, it make a tiny bit of sense, because it could be put in this summer, regardless of the study commission. Without the Emergency clause, it makes absolutely no sense at all to have a law go onto the books that can't be implemented that will be looked at anyway. I am not exactly sure of the procedural process to use at this point, but I can tell you that at some point it makes good common sense to Indefinitely Postpone this Bill until the next session so that the Labor and Education Committees, through the study commission, can look at these issues in a responsible, comprehensive fashion. I will leave it at that at this point. I would like to think that with the bipartisan agreement here that there would be a little bit more bipartisan support. I felt a little sympathetic for the good Senator for Androscoggin in the vote that we took last week, when he certainly did not seem to have a tremendous amount of support from his own people. I would like to see some of that generated so that we can responsibly deal with this issue and let the study commission look at it, that will be made up of Democrats and Republicans because we all agree that it does nothing right now. Thank you.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose an inquiry to the Chair. It seems to me that when you Adhered on this, it would have taken away this Amendment. Am I not correct?

THE PRESIDENT: The Senator is correct. The Chair recognizes the same Senator.

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I think

the thing to do, if you people want to get this back, is to let it stay in the position it was in originally and I guess there was a Division proposed, and if the Division wins, then someone should make the motion to Adhere.

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 am also confused, but would like to address some of the comments that the good Senator from Cumberland, Senator Esty made about the timeliness of this legislation.

To begin with, I see that this legislation is L.D. 405, and if you think about that, think back over the last six months, you think L.D. 405 probably was printed some time ago, and, in fact, it was printed quite early on into the Legislative session and, indeed, has been in the Labor Committee for several months. So, I think as far as the time issue is concerned, I will leave you to make a decision on that. As far as bipartisan support, I don't think anyone has mentioned partisanship in this Bill, in fact, the sponsor of this legislation is a member from the other Body and a party other than what I am in, so there is nothing partisan about this. I think maybe it is more of a regional issue, I am not really sure. I know my good friend, Senator Holloway, has interests in this Bill, as does the person from the other Body who is the primary sponsor, so I don't think it is partisan and I think it is unfortunate that it is after the deadline of this legislation, June 15, but I think perhaps that was intentional. The reason for the Emergency preamble being removed is that otherwise it is the feeling that this legislation would die and we hope that it would not die. 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. Just so that I am clear on exactly what we are voting upon. To deal with this issue properly, it makes sense to vote in the negative to Reconsider from my perspective so that we can now Adhere afterwards.

THE PRESIDENT: The Chair would answer in the affirmative. The Chair would advise the Senator that if the motion to Reconsider fails, the Senate has already Adhered.

The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Mr. President, men and women of the Senate. This is obviously a simple issue. I really don't understand why we need to study it, it seems to be pretty simple. Either you feel that fifteen year-olds are capable of working in these establishments or you don't. I don't know why we have to study it. I understand the Committee process. I understand the Labor Committee agreed to study this and a number of other issues that they wanted to look at and I understand that and for some reason we have this Bill. It is a very simple Bill. Either you feel that fifteen year-olds are able to work in these establishments or you don't. It seems to me that probably back when I was twelve years old and started working for my grandfather, probably I was breaking the law, but I was capable of doing that and I think that doing the kinds of things that these people would be doing in bed and breakfast establishments, under the law, are reasonable. So, it is a simple issue, if you think that these people ought to be able to work at fifteen years old, then you would vote to Reconsider this matter. Thank you.

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

Senator BOST: Thank you Mr. President. Mr. President, men and women of the Senate. I would like to pose a question to the Chair of the Labor Committee. Could you describe what provisions are in place, if any, under this Bill in the event a fifteen year-old is hurt on the job?

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

The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. The provisions are identical to the provisions for any other worker that they would receive the workers' compensation benefits, that would be two-thirds of the salary that they were receiving at the time based on the prorated amount of the year that they were working for the present time. In fact, to say that an easier way, they are very small and very minor. After using those up, would be dependent upon the state or the government to be taken care of afterward. That was a discussion that had taken place extensively in the Labor Committee, as well as in the other Body today. There was a real concern about that. That is a valid one.

I would also like to clear the Record as far as the comment the good Senator from Franklin made regarding the study commission. It is important to note that the study commission is not a study commission for this item. This is just one consideration in a comprehensive look at minors and children and working and the effects it has on education. It is recognized that it is important for kids to learn good training skills and good job skills and those kinds of things through working. It is important that be accomplished, however, we are being squeezed in the State of Maine because of declining work force and especially in some parts of the state and there was a real concern, that regardless of educational concerns, the kids are working too much and education is suffering. So, what we would like to do is look at the laws that have been in the state for the last thirty to one hundred and thirty years regarding labor and how it effects education in a comprehensive and coordinated way. So, this study commission does not address just this one small Bill, but it addresses a number of serious issues and concerns that each of us has as parents, employers, and educators. So, it is a comprehensive look that I certainly will bring back a number of strong recommendations, including some of the thoughts that are in this Bill, but not looked at from a piecemeal basis. I did just want to clarify that. Thank you.

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I certainly want to support the study. The study is excellent, we are having a problem with children who are earning five dollars and fifty cents an hour or more and they are not going to school, they are not doing their homework, and we do have problems. That is no problem for me at all.

But, for a child to go out this summer and earn a few dollars and put it into the bank so they can go to college is an excellent opportunity for them. If you want to Adhere, I think you have to vote against the division.

THE PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. We have had this issue here long enough and we have some real important business to take care of this evening. As all of you know, I serve on the Labor Committee and it is not often that I am on the opposite side of my good colleague from Cumberland, Senator Esty. The only reason I was on the opposite side of this issue, and the good Senator from Androscoggin, Senate Whitmore, was to give the sponsor of the Bill an opportunity to air her concerns. I believe this Bill has been aired long enough. The issue before us seems to be a little foolish. We are coming back in January. The good Senator from Cumberland, Senator Esty, is right, this issue will get an airing, it will get an opportunity to be looked at thoroughly. I am getting a little tired of this issue and I think I am getting tired of what is going on with this issue. I would urge the members of this Chamber to support the good Senator from Cumberland, Senator Esty and the good Senator from Androscoggin, Senator Whitmore. Let's get on with business, this issue has now reached its limit and vote not to Reconsider. Thank you Mr. President.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I am indebted to all of you for your contribution, I am no longer confused and I know exactly where my position is on this measure, even though it has been consistent since it was brought before us from the Committee on Labor. I guess it is important that I share with you my perspective. I am a teacher of a quarter of a century of experience and most of my students, because of my focus in education, are female and many of them are fifteen years old. If you just pause for a moment and you look at the title and you review the Bill, and you acknowledge simultaneously that there is a declining pool of labor, then you find yourself responding not only to that which the Bill intends to do, which is to provide employment opportunities which are all laudable for young people who happen to be fifteen years old. But, there is a legitimate historical reason why labor laws in this state have excluded fifteen year-olds in public accommodations for lodging. The reason is, more precisely, that most of those employees are young women, fifteen years old, young adults, vulnerable, impressionable young adults having just recently graduated from eighth grade or having completed their freshman year in high school. While this restricts their employment to certain areas within these accommodations for lodging, I submit to you that a long and distinguished history and a tradition of the lack of adequate supervision and constant oversight might not contained in these employment activities and other related temptations from moving away from the areas in which this Bill is narrowly focused. I make no apology for my traditional, conservative position on this issue. It is very clear to me, I am opposed to allowing fifteen year old people from working in public accommodations for lodging. The State of Maine has no need, absolutely none, to apologize for its historic position on this and because this Bill wouldn't become effective until the tourist summer season of 1990, I will come down in opposition to the pending motion to Reconsider and I hope that now you all know that I am no longer confused. Thank you Mr. President.

On motion by Senator BUSTIN of Kennebec, supported by a Division of at least one-fifth of the Members present, a Roll Call was ordered.

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 comments that we have heard here this afternoon on this Bill and it just brought my recollection back to my very first job that I had and it was as a dishwasher in an establishment, and I hate to say that at that point I was thirteen years old. It was not family owned, it did me no harm, I learned how to get along with people. I think of the fifteen year-olds who are really anxious to earn some money so that they can go into the next school year, whether it is to buy clothes, or a bicycle, or whether it is to buy records or whatever they do now. I think it is important for them to have some way to earn some money. I see absolutely nothing wrong with having youngsters start out doing these menial things, because that is just exactly what they are. You are not going to get people who you pay five dollars and fifty cents a hour to do some of these things. If children can work and they can earn something that harms them in no way, then I don't see anything wrong with that. I certainly turned out all right, it didn't harm me by working my second job in a hospital, by the way, doing menial jobs.

THE PRESIDENT: The pending question before the Senate is the motion by Senator HOLLOWAY of Lincoln, to RECONSIDER whereby the Senate ADHERED.

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

A vote of No will be opposed.

Is the Senate ready for the question?

Senator DUTREMBLE of York who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator ANDREWS of Cumberland who would have voted YEA.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, ESTES, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH

NAYS: Senators BOST, BRANNIGAN, BUSTIN, CLARK, ERWIN, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

PAIRED: Senators ANDREWS, DUTREMBLE

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion by Senator HOLLOWAY of Lincoln, to RECONSIDER whereby the Senate ADHERED, PREVAILED.

On motion by Senator HOLLOWAY of Lincoln, the Senate RECEDED and CONCURRED.

(See Action Later Today)

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 30, 1989

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

House Paper 1259, Legislative Document 1756, AN ACT to Ensure a Cooling-off Period before the Hiring of Permanent Replacement Workers during a Labor Dispute, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Eighty-nine voted in favor and fifty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 30, 1989

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

House Paper 1032, Legislative Document 1438, AN ACT to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Three voted in favor and one hundred forty-one against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

Which was READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

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

Bill "An Act Clarifying Intoxication Under the Workers' Compensation Law"

S.P. 118 L.D. 184
(H "B" H-664 to C "A"
S-182)

Tabled - June 30, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION
(In Senate, June 30, 1989, Veto Message READ and ORDERED PLACED ON FILE.)

(In House, June 21, 1989, PASSED TO BE ENACTED.)
(In Senate, June 21, 1989, PASSED TO BE ENACTED, in concurrence.)

THE PRESIDENT: The pending question before the Senate is: "Shall this Bill become Law not withstanding the objections of the Governor."

The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. We will be facing a number of items tonight, so I will keep this very brief. This Bill is a unanimous report from the Labor Committee. It came out of the Labor Committee, Ought to Pass as Amended, in fact, the motion for that was made by the good Senator from Androscoggin, Senator Whitmore. This was a Bill that we worked very hard on, nobody was very pleased with, but seemed to be a reasonable first step. Some of the statements by the Governor, in his message to the Legislature, are very accurate, there is no question about that. There are a number of inaccuracies in the Governor's statement. Without me taking the time today to go through each of those, let me just say that most of the statement is pure political rhetoric, quite frankly, and I don't want to spend the time to go through each of those. I only would like to say that at this point I have no problem, quite frankly, with sustaining this veto. I would encourage this Body to do that, since this Bill is certainly not perfect, it came out in agreement, we worked real hard on it. I am more than happy to stand here and say fine, we will save some of these discussions for things that should not become political. I did want to point out that this was something that we did compromise and work hard on and that these statements are not exactly perfect or accurate in what happened in the Labor Committee. 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. Some of the remarks from the good Senator from Cumberland I concur with. The Committee did work long and hard on this particular item. There was a lot of discussion with regard to the blood alcohol content level. Originally, as the Bill was proposed, it was .08 and I think clearly the message that this Legislature and previous Legislatures has sent out to the people in the State of Maine is that they were going to get serious with automobile accidents on the road and therefore they reduced that level to .08. We are not talking about road accidents, we are talking about on the job injuries. Whether you are driving a fork lift and you are intoxicated, or whether you are driving a truck in the yard and intoxicated, or working on a machine and are intoxicated. I had a hard time, through the discussions, trying to reach that compromise and I guess it was taken, as the good Senator from Cumberland, suggested that .15 was better than nothing, or better than letting the Bill die. I would disagree with him, however, when it comes to that I actually approved of the .15. Certainly I didn't and that was the thrust of most of the discussion in the Committee. I think for us to send any other message from this building to the people of the State of Maine is that we are prepared to condone intoxication and threatening of anyone working on either side of an employee while they are working on the job and that we may, in fact, incur additional injuries on the job because we have not held a lower standard or the same standard as we have applied on the highway is the wrong message to send. Therefore, I, too, would agree with the good Senator from Cumberland, Senator Esty, and urge you to sustain this veto.

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

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I was struck by the message prepared by the Governor's staff in support of the veto of this legislation. I think I rise now, perhaps, to clarify some misunderstanding which appears to manifest itself in the text of the Governor's message. At one point the Governor states, "it is simply incongruous to hold operators of motor vehicles along public ways to a reasonable standards of .08 per cent BAC while allowing people in the workplace to be held to a standard that is almost twice as lenient." Lest we forget legislation which was have crafted and adopted over the past several years lowering the threshold for blood alcohol content in order to secure a conviction for operating under the influence is aimed at purposes which are totally different from those underpinning our workers' compensation statutes. We have said fairly forcefully that, as a people, will not condone or authorize people operating motor vehicles on our public ways if they have had any significant degree of alcoholic beverages, regardless of whether or not those people are intoxicated. In fact, although there is some difference of opinion, I think it can be fairly well stated that a person with a .08 per cent BAC is not necessarily intoxicated.

They may be, it depends upon his or her weight, it depends upon his or her experience with consuming alcoholic beverages in the past. That whole set of law, dealing with limiting access to our highways to those who are sober, or who have not consumed beverages, is a set of law which is totally unrelated to Title 39 of Workers' Compensation.

If I understand what the Labor Committee was attempting to do this year in L.D. 184, it was to introduce an affirmative defense to an employer so that, as you well know, workers' compensation is basically no fault in nature. That is to say a worker who experiences an injury arising out of and in the course of his or her job duties is entitled, as a matter of statute, to compensation, regardless of whether or not the employer was negligent, regardless of whether or not the employee was negligent in causing the conditions which led to the employee's injury. L.D. 184 would have changed that. It would have allowed an employer to be relieved from the responsibilities to compensate an injured worker, if, in fact, that injured worker had manifested such misconduct as to reported to work with a blood alcohol content of .15, a very, very high threshold. It seems to me that the decision that the Labor Committee undertook at some length, that a worker who disregards his or her own safety, as well as that of people on the road or his or her co-workers, perhaps ought not to be entitled to the same type of benefits as co-workers who come to work in a total sober state of mind. That makes sense to me, that is a reasonable judgement. At some point it will relieve an employer from compensating workers who have been injured while they report to work in a totally irresponsible fashion. It seems to me that we should discuss that on its own merits. There is no analogy which is appropriate or even rational between Title 39 Workers' Compensation and our statute in Title 29, dealing with operating under the influence, they are separate statutes, they address separate purposes and I, for one, can find no rational relationship between the two statutes and I think the analogy which is drawn in the Governor's message is simply incongruous. Thank you.

THE PRESIDENT: The pending question before the Senate is: "Shall this Bill become Law not withstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BUSTIN, GAUVREAU, TITCOMB, THE PRESIDENT - CHARLES P. PRAY
 NAYS: Senators BALDACCII, BERUBE, BOST, BRANNIGAN, BRAWN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senator ANDREWS

Senator BUSTIN of Kennebec requested and received Leave of the Senate to change her vote from NAY to YEA.

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being absent, and 4 being less than two-thirds of the Membership present and voting, the Veto was SUSTAINED.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (6/29/89)

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

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

Tabled - June 29, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, June 29, 1989, Veto Message READ and ORDERED PLACED ON FILE.)

(In House, June 16, 1989, ENACTED.)

(In Senate, June 16, 1989, ENACTED, in concurrence.)

THE PRESIDENT: The pending question before the Senate is: "Shall this Bill become law not withstanding the objections of the Governor?"

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. In regard to the veto of L.D. 1195, "An Act to Clarify the Definition of State Employee under the State Employee Labor Relations Act", I would just like to reiterate some thoughts that I had when this Bill was passed.

Just to let you know, what this Bill actually does, in opposition to what the veto message says, is that it would transform high level management representatives who substantially participate in the formulation and effectuation of policy in a department of agency into bargaining unit employees. Let me tell you some of those people and read some of those people again that the Governor is referring to as high level management representatives. Not to cast any aspersions on the kind of work or the production of work that these people do. Clerk IV, range fifteen, that is not a high level management

position. Accountant II, range seventeen, and the ranges go up to the nineties. Plant Pathologist, range twenty-six, Baxter Park District Ranger, range twenty, Interpretation Specialist, range eighteen. I could go on and on, but that is what we are talking about. These are not high level management positions. That is what this Bill is all about. I would urge you to vote against the Governor's veto and let this Bill become law so that we remove the cloud that is over all of these employees and if you'll pardon the play on words, where they don't know whether they are fish nor fowl. Let's tell them exactly what they are, that is what this Bill does. Let's override this veto and get on with the business of the state. 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. The remarks are the same now as when we originally debated the Bill in this Chamber. These are not patrons jobs, they are jobs that are protected by the Civil Service Law and Rules and which also includes a cause protection, so if any of these jobs are threatened in any way, they do have the protection. I think it is essential that employees not be pushed and shoved and tugged as to where their loyalties might lie, do they lie with the current administration in preparing various budgets and plans? Or do they, in fact, lie with some organized group? I think that is what we should be looking at and that is what the people should be relieved of, so not to be put in that compromising position. Therefore, I would urge you to sustain the Governor's veto.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I did want to clarify one statement in the letter from the Governor. This Bill will not add any new positions to bargaining units that were not in the bargaining units. It will only prevent those positions that are presently in bargaining units to allow them to stay in those bargaining units and clarify that. It will not take any non-union positions and suddenly make them union positions. That is different from what the message had said. Thank you.

THE PRESIDENT: The pending question before the Senate is: "Shall this Bill become law not withstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator ANDREWS

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, and 19 being less than

two-thirds of the Membership present and voting, the Veto was SUSTAINED.

The Secretary has so informed the Speaker of the House.

The Chair laid before the Senate the Tabled and Later Today Assigned matter: (6/29/89)

Bill "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)

Tabled - June 29, 1989, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, June 29, 1989, Veto Message READ and ORDERED PLACED ON FILE.)

(In House, June 19, 1989, ENACTED.)

(In Senate, June 19, 1989, ENACTED, in concurrence.)

THE PRESIDENT: The pending question before the Senate is: "Shall this Bill become law not withstanding the objections of the Governor?"

The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. The legislation before you, which is the subject of the Governor's veto, was the work product of the Joint Standing Committee on Human Resources. The measure was sponsored by the good Senator from Kennebec, Senator Bustin. This legislation recognized a problem which has arisen in several past years regarding proper funding for community based mental health services. The legislation which had been enacted would have, if signed into law, set up a separate Advisory Committee through the Department of Mental Health and Retardation pertaining to mental health. There has been, as I alluded to earlier, a problem for community mental health providers in securing adequate reimbursement to provide a full array of services to persons afflicted with mental illness. Obviously, it is our intent, our goal, to bring these agencies up to an appropriate level of funding so that people can be treated in more appropriate therapeutic settings and can avoid inappropriate hospitalization in acute care mental health hospitals such as AMHI.

I feel compelled to address what I believe are discrepancies or inaccuracies in the veto message which we received from the Governor's office yesterday regarding L.D. 1252. I would urge your indulgence while I go through these to some extent. The veto message indicated that this legislation would have mandated a method of reimbursement and annual rate increases for mental health providers. In fact, it should be pointed out that we have only seen two revisions in rates in the last twelve years for mental health providers. As I pointed out, the members of the Human Resources Committee felt strongly that there was a need, at this time, especially given the attention which mental health has received in the past several months, that is is very important that we begin the commitment to properly fund community mental health services in our state.

Beyond that, the veto message stated that this legislation would have precluded the Department from negotiating rates of reimbursement methodologies with community providers. That simply is inaccurate. The legislation is very specific, the Department could have used any method it adopted by rule to provide reimbursement to community mental health providers.

The veto message also indicated, and in my judgement was inaccurate, that these rate increases would be given to all psychiatrists and psychologists in the Medicaid System. As pointed out, this legislation dealt only with community mental health providers and not specific professionals.

I think my main concern is that this legislation, if adopted, would have freed up some five hundred thousand dollars in state monies which are currently being used to subsidize medicaid providers in mental health. Essentially, what is happening is that providers are being compensated based upon 1983 standards of care, or reimbursement standards under the Medicaid Program for mental health services.

There clearly is a variance between the 1983 approved rates and what providers are receiving and the difference is being made up in subsidies from the Bureau of Mental Health. This legislation would require the Department to, in fact, increase the medicaid participation in our mental health system, and by so doing, would have leveraged additional federal dollars. In that way it would have freed up some five hundred thousand dollars in state funds which we believe could be used more appropriately in mental health or other purposes. That is my primary concern with this veto. I really don't believe that the Committee concern is reflected properly in the veto message. It is because the Human Resources Committee felt strongly that we should make a major statement this session to improve community mental health and because we believed L.D. 1252 was a useful tool in leveraging additional federal dollars to address mental health problems in our state, we feel this legislation is meritorious. For these reasons, I would urge the Body today to vote to override the veto of the Governor. Thank you.

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

Senator BUSTIN: Thank you Mr. President. Mr. President, men and women of the Senate. I, too, would urge you to override this veto. Knowing from past experience in the last couple of days in this Body and overriding gubernatorial vetoes, that I probably didn't stand a chance in that place that we all do not like to mention, I worked with the Governor's office to see what it was that we could do. Just previously this late afternoon, we passed a Bill over to the other Body to add two members to that Medical Advisory Committee in the Bureau of Medical Services. It is now in the other Body, for hopefully, passage. I did that with the approval of the Governor and the commitment that we would work on this problem and work on what that particular Advisory Committee does from here on in, because they have been somewhat inactive in doing the kinds of things that we think need to be done and that generated a need for the Bill that is being vetoed. I don't like to do it that way, I think we have done our work, I think the language is there in the Bill. I think we should have this Bill now and that is why I am advocating that we override the veto. I wish we could do that because I don't like to have to redo that work. But, I, in fact, do have the commitment from the Governor's office that they will work on getting that language for whatever reasons they are not supporting it now. I think the reasons, quite frankly, are nebulous, but I am willing to work with it because I think the issue is important enough that because we have to we will put it off and hopefully address it next year. I think it is unfortunate, I think it is unnecessary, but that is probably what will happen. I would appreciate it if you would help to override the veto. Thank you.

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

Senator RANDALL: Thank you Mr. President. Mr. President, men and women of the Senate. I will be brief this afternoon. I would urge that you sustain this veto message. I would do so with some concern that certainly those of us on the Human Resources Committee heard this Bill and at the time we heard it we did express, in terms of the concept, certainly a good deal of support for the legislation.

However, as time has gone on, there are a number of points that have been raised with the final version of the Bill which merit further consideration and discussion, the details of which I won't go into at this time, but certainly there are points of contentions which has generated the veto message. I am certainly pleased that the legislation which was originally sponsored by the Senator from Kennebec, there is an additional piece of legislation which is moving through the process at this time. Thank you.

THE PRESIDENT: The pending question before the Senate is: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator ANDREWS

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, and 18 being less than two-thirds of the Membership present and voting, the Veto was SUSTAINED.

The Secretary has so informed the Speaker of the House.

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

Emergency

An Act to Amend the Local Road Assistance Distribution Formula

S.P. 50 L.D. 23
(C "A" S-8)

Tabled - March 27, 1989, by Senator TWITCHELL of Oxford

Pending - ENACTMENT

(In Senate, March 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-8).)

(In House, March 23, 1989, PASSED TO BE ENACTED.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-8).

On further motion by same Senator, Senate Amendment "A" (S-401) to Committee Amendment "A" (S-8) READ and ADOPTED.

Committee Amendment "A" (S-8) as Amended by Senate Amendment "A" (S-401) thereto, ADOPTED in NON-CONCURRENCE.

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

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

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

Emergency

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990 and June 30, 1991, and to Make Other Changes in the Law Necessary for the Proper Operation of State Government

H.P. 123 L.D. 160
(H "B" H-606 to C "A"
H-577)

Tabled - June 21, 1989, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In Senate, June 19, 1989, RECEDE and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-577) AS AMENDED BY HOUSE AMENDMENT "B" (H-606) thereto.)

(In House, June 21, 1989, PASSED TO BE ENACTED.)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

An Act to Increase Safety on Maine Roads and Protect the General Welfare

S.P. 311 L.D. 816
(C "A" S-124)

Tabled - May 26, 1989, by Senator TWITCHELL of Oxford

Pending - ENACTMENT

(In Senate, May 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-124).)

(In House, May 25, 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.

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

An Act to Provide Disabled Veterans with Free Drivers' Licenses and to Clarify the Law Providing Free Registration Plates to Disabled Veterans

H.P. 842 L.D. 1174
(H "A" H-226 to C "A"
H-197)

Tabled - May 26, 1989, by Senator TWITCHELL of Oxford

Pending - ENACTMENT

(In Senate, May 23, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-197) AS AMENDED BY HOUSE AMENDMENT "A" (H-226) thereto, in concurrence.)

(In House, May 25, 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.

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

An Act to Amend Commercial Driver License Laws
S.P. 460 L.D. 1245
(C "A" S-311)

Tabled - June 19, 1989, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-311).)

(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.

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

An Act to Create a Full-time Motor Vehicle Office in the Town of Sanford

H.P. 898 L.D. 1255

Tabled - May 18, 1989, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In Senate, May 15, 1989, PASSED TO BE ENGROSSED, in concurrence.)

(In House, May 17, 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.

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

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

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

Tabled - June 16, 1989, by Senator TWITCHELL of Oxford.

Pending - FINAL PASSAGE

(In Senate, June 15, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522), in concurrence.)

(In House, June 16, 1989, FINALLY PASSED.)

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

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

Emergency Resolve

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

S.P. 569 L.D. 1597
(C "A" S-248)

Tabled - June 15, 1989, by Senator TWITCHELL of Oxford.

Pending - FINAL PASSAGE

(In Senate, June 12, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-248).)

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

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

Senator MATTHEWS of Kennebec was granted unanimous consent to address the Senate off the Record.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Senator ANDREWS for the Committee on TAXATION on Bill "An Act to Relieve the Burden of Property Taxes Through Creation of the Property Tax Relief Fund"

S.P. 605 L.D. 1699

Senate at Ease

Senate called to order by the President.

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

After Recess

Senate called to order by the President.

Off Record Remarks

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

The Committee on EDUCATION of Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (Emergency)

H.P. 837 L.D. 1169

Reported that the same Ought to Pass as Amended by Committee Amendment "C" (H-694).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-694).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "C" (H-694) 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.

Senate at Ease

Senate called to order by the President.

Senator CLARK of Cumberland, moved that the Senate RECONSIDER whereby it RECEDED and CONCURRED on: Bill "An Act Regarding the Employment of 15-year-olds in Public Accommodations for Lodging" (Emergency)

H.P. 293 L.D. 405

(H "B" H-682 to H "A" H-654)

(In Senate, June 29, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-654) AS AMENDED BY HOUSE AMENDMENT "B" (H-682) thereto, in concurrence.)

(In House, June 30, 1989, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-654) AS AMENDED BY HOUSE AMENDMENT "C" (H-687) thereto, in NON-CONCURRENCE.)

(In Senate, June 20, 1989, the Senate RECEDED and CONCURRED.)

Senator WEBSTER of Franklin requested a Division.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. I would speak to my motion that the Senate Reconsider its action whereby we Receded and Concurred and refer the Senate's attention to a proposed amendment which I think, if I were allowed to at least have an opportunity to present it, merits some consideration, considering the unusual precedent that we are setting this evening by allowing fifteen year-olds in our state to participate in areas of employment from which they had, under state law historically, been precluded from participating. I ask the courtesy of the Senate to have the opportunity should we be allowed to Reconsider to present this proposal. 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 would ask you not to Reconsider and I would only refer to the amendment that has previously been referred to by the good Senator from Cumberland, and suggest that it is not a friendly amendment. All members of the Senate here today realize the position of the good Senator from Cumberland, Senator Clark, on this matter, since she eloquently gave us her opinion earlier today on why this Bill should not be passed. I would suggest that this amendment is not a friendly amendment, it is only a vehicle to defeat this Bill. For those of us who feel the original Bill made sense, I would ask you to stick with your position and send this Bill on its way. 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 would respond to the Senator from Franklin, Senator Webster, in that my proposed amendment is not an attempt to defeat the Bill, but rather to place it in the posture where I can with confidence and security for the safety of young people who would be thus engaged in environments which they had been until this date precluded. That is all that I am asking. Obviously, this proposal that we seem to be addressing doesn't have a fiscal note, so I would remind the colleagues in this Chamber that my intent would be to support the measure in final passage should this be attached. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland, to RECONSIDER whereby the Senate RECEDED and CONCURRED.

A Division has been requested.

Will all those Senators in favor of the motion by Senator CLARK of Cumberland, to RECONSIDER whereby the Senate RECEDED and CONCURRED, 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 15 Senators having voted in the negative, the motion by Senator CLARK of Cumberland, to RECONSIDER whereby the Senate RECEDED and CONCURRED, PREVAILED.

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

House Amendment "A" (H-654) READ.

House Amendment "C" (H-687) to House Amendment "A" (H-654) READ and ADOPTED, in concurrence.

House Amendment "A" (H-654) as Amended by House Amendments "B" (H-682) and "C" (H-687) thereto, ADOPTED in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-439) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Lincoln, Senator Holloway, has reminded me that House Amendment "C" has a fiscal note on this Bill. I have no reservations about that fiscal note and it is not my intent in any way, shape or manner to address the manner of those amendments which would make this Senate reexamine its motion to Recede and Concur with what happened in the other Body. My first responsibility is to thank the members of the Senate for the courtesy that you have afforded me on this evening to allow me to present this Senate Amendment for your consideration. I recognize that there will be, in the interim session between this First Regular Session and the Second Regular Session of this 114th Maine Legislature, a comprehensive and coordinated study of the entire issue dealing with minors and children and its impact on education and its impact on the lives and the safety of those young people thus involved. I believe we are all fresh to the extent that we can remember the debate that occurred earlier this evening. I present Senate Amendment "A" S-439 simply because I believe and will abide by the will of this Chamber that the topic embraced in this Senate Amendment is one that should be addressed, at least at this end, and that should you not accept it, then I will also, because I have no choice, as do others who have reservations about this Bill, allow it to go under the hammer for eventual final enactment, and or engrossment, or any of the other stages as we did following the earlier debate on the ultimate motion to Recede and Concur.

More timely at this point is the amendment before us. The amendment simply provides that these fifteen year old young people, who are employed in the lodging industry under this Bill, that would take effect in the summer tourist season of 1990, who may be injured in the course of that employment, because of the uniqueness of that employment, which has no precedent in the history of this state, be able to choose between, not both, but be able to choose between compensation under workers' compensation benefits or filing a civil action against the employer.

While I realize that the business interests which are highly organized and represented in this Chamber, might look at this with jaundice eyes, I want you to be reassured that this applies only to these vulnerable young people and, indeed, many of them are vulnerable and many of them are pretty sophisticated, in this particular employment from June 15 through

Labor Day. Because first, the wages that they earn are either minimum wage, or they may even be, should that prevail eventually at the federal level, a subminimum wage and that workers' compensation benefits should the injury be particularly severe result only in compensation that represents, to the best of my ability, recognizing that I am far from the expert in workers' compensation, approximately two-thirds of their wage. If, in fact, major injuries should occur and they are then working at McDonald's on the corner of Mallet Drive and Main Street, for example, in Freeport, Maine, and earning their wage, which is far from minimum. It begins at five dollars and seventy-five cents a hour. But, if you lose a limb, accidentally on the job, like cutting off your hand and the attachment is not successful, then certainly two-thirds of that wage would hardly compensate that individual for the adjustment, the trauma, and the injury suffered for the rest of that individual's life. In that case, because of their youth and because of their entry level and minimal wage opportunities, they would be unjustly compensated. This would allow them only this small window to be able to suit to compensate, in so far as possible, for what might be a more just compensation. I leave this for your judgement and will abide by your wisdom. Thank you Mr. President.

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

Senator WHITMORE: Thank you Mr. President. Mr. President, men and women of the Senate. Apparently, I am the organized, although I don't consider myself very organized at times, labor voice of this Chamber, since I have had the opportunity to address these issues throughout this Session on the other side of the fence. Men and women of the Senate, I will only tell you one thing. This particular Amendment, if passed, will completely gut the Workers' Compensation System in its entirety. The Workers' Compensation System is a no fault system, which means that for the compensation that an employee agrees to accept, does pass up the opportunity to bring a suit against the employer. This particular Amendment, specifically, addresses that it now gives this particular youth, the fifteen year old that is working only in a kitchen, dining room, lobby, or office of public accommodations for lodging. There are all kinds of fifteen year-olds that are out there working, they are out there mowing lawns, they are out there working younger than the age of fifteen, they are doing all kinds of dangerous work, but we are not addressing that. All we are addressing here is in response to the discussions earlier today is strictly those who are working in a kitchen, dining room, lobby, or office of public accommodations for lodging, period. That is all this addresses. How about the rest of those who are out there? We just abandon ship on those? I think that everyone in this room has the opportunity, you have this Amendment in front of you now, you can read it, it is pretty basic. I would suggest to you that this amendment added to the L.D. should be defeated and let's continue on.

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

Senator ESTY: Thank you Mr. President. Mr. President, men and women of the Senate. I am pleased to hear the good Senator from Androscoggin, Senator Whitmore, consider himself the voice of labor in this Chamber. I would like to say that this Amendment deals with a very minor Bill. What I have heard about L.D. 405 is that it is dealing with a very specific subject area which is fifteen year-olds in lodging bed and breakfasts and hotels within a small

specific time frame, being June 15 through Labor Day. I am not sure how this could, for a moment, gut the entire Workers' Compensation System. That just surprises me a great deal.

What this Amendment does, in fact, is provide some additional protection to children who are working in this situation. It certainly does not apply to everyone involved in workers' compensation, it only applies to that very narrow and minor perspective of minors that are working there, period. What about the rest of them? It is a really interesting question, that was the question that I asked when we talked about minors in the workplace. I said, "what about all the minors in the workplace that are working at McDonald's, that are working during the school year?" This Amendment deals with a very small part of the picture, as does the Bill. The Bill should have been Indefinitely Postponed so that we could have looked at the whole picture. Since it wasn't, the only way we can insure the safety of these minors is by adding this additional protection. It certainly would gut the Workers' Compensation System, it provides additional remedy in a case of injury in this small area. 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 want to thank the good Senator from Cumberland, Senator Esty, for picking out my slip of the tongue and saying labor as opposed to the business community, and I respect him for that. As I sat here while the good Senator from Cumberland, Senator Esty was making his remarks and thinking further as I read down through here, what we are doing is we are setting out different classes of employees. It doesn't say an employee fifteen years of age or older, it says just a employee of fifteen years old, period. Are we going to have a Workers' Compensation System that has different levels and different criteria in each and every industry for each and every age? Is that what we are attempting to do? You are correct, this doesn't gut the entire Workers' Compensation System, but it does for fifteen year-olds, it completely removes the protection from the employer of having the protection of the current Workers' Compensation laws and it is a significant change.

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 concur in that this window of additional safety and protection afforded to fifteen year old children, who would be employed within the lodging industry, would represent different criteria for this particular age group, but so does the Bill. That is exactly what the Bill does. It establishes a different criteria that has ever been afforded to fifteen year-olds and potential employers in the state and allows them, for the first time, to work in areas and environments which until this Legislature convened on this day, was deemed unsafe, potentially injurious, and even hazardous to a particularly vulnerable segment of potential employees, fifteen year old children. There are able bodied young boys and girls who work in a number of other areas of employment today, but they are not today working within the lodging industry in these areas and none of them are covered by Workers' Compensation. But, for those who are allowed to work, because they never have been allowed to work within the lodging industry, in kitchens and in other public areas, I thought it as appropriate that we provide this additional measure of protection. If we choose not to accept it, then so be it, but it was

appropriate and it was important that the issue be aired and that is what the Legislative process is all about. Certainly my intent is not to "gut" the entire Workers' Compensation System, for the good Senator from Androscoggin acknowledges that he protested too much in that remark. If you choose not to afford additional protection for these young people then vote against the pending motion to Adopt this Amendment. If you agree that these young people, for the first time in the history of the state, working in this formerly deemed hazardous environment, not always with adequate supervision, then support the pending motion. It really is as simple as that, even that the end of this Legislative Session.

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

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland, to ADOPT Senate Amendment "A" (S-439).

A vote of Yes will be in favor to ADOPT Senate Amendment "A" (S-439).

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, CLARK, ERWIN, ESTY, KANY, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ESTES, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, with No Senators being absent, the motion of Senator CLARK of Cumberland, to ADOPT Senate Amendment "A" (S-439), FAILED.

On motion by Senator CLARK of Cumberland, the Senate RECONSIDERED the ADOPTION of House Amendment "A" (H-654) as Amended by House Amendments "B" (H-682) and "C" (H-687) thereto.

The Senate RECEDED FROM ADOPTION of House Amendment "B" (H-682) to House Amendment "A" (H-654).

On motion by Senator WHITMORE of Androscoggin, House Amendment "B" (H-682) to House Amendment "A" (H-654) INDEFINITELY POSTPONED, in concurrence.

House Amendment "A" (H-654) as Amended by House Amendment "C" (H-687) ADOPTED, in concurrence.

Senator MATTHEWS of Kennebec, moved to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

On motion by Senator MATTHEWS of Kennebec, 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 of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

A vote of Yes will be in favor to INDEFINITELY POSTPONE the Bill and Accompanying Papers.

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 BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTY, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, ESTES, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, WEBSTER, WEYMOUTH

ABSENT: Senators None
 16 Senators having voted in the affirmative and 19 Senators having voted in the negative, with No Senators being absent, the motion of Senator MATTHEWS of Kennebec, to INDEFINITELY POSTPONE the Bill and Accompanying Papers, FAILED.
 Which was PASSED TO BE ENGROSSED, as Amended, in concurrence.

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

COMMUNICATIONS

The Following Communication:
 COMMITTEE ON EDUCATION
 ONE HUNDRED AND FOURTEENTH LEGISLATURE

June 30, 1989

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Education during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	92
Unanimous reports	83
Leave to Withdraw	17
Ought to Pass	4
Ought Not to Pass	18
Ought to Pass as Amended	44
Ought to Pass in New Draft	0
Divided reports	6
Carry Overs	3

Respectfully submitted,
 S/Stephen C. Estes S/Nathaniel Crowley, Sr.
 Senate Chair House Chair
 Which was READ and ORDERED PLACED ON FILE.

Senate at Ease
 Senate called to order by the President.

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

PAPERS FROM THE HOUSE
 House Papers

Bill "An Act to Amend the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services"

H.P. 1287 L.D. 1780

Committee on EDUCATION suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-693), without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee.

House Amendment "A" (H-693) 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.

Resolve, to Expand the Borrowing Capacity of Knox County

H.P. 1288 L.D. 1781

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 AS AMENDED BY HOUSE AMENDMENT "A" (H-692), without reference to a Committee.

Which was, under suspension of the Rules, READ ONCE, without reference to a Committee.

House Amendment "A" (H-692) 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:

ENACTORS

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

Emergency

An Act Concerning the Salaries of the Washington County Treasurer and Deputy Treasurer

S.P. 663 L.D. 1776
 (H "A" H-688)

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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. 475 L.D. 640

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-690).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-690) READ.

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, Senate Amendment "C" (S-429) to Committee Amendment "A" (H-690) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Two years ago, when the budget was being proposed, at that time, I offered this very same Amendment. This allows anybody in the Senate who wishes to, to be recorded as being in favor of Legislative pay increases or not to be in favor of Legislative pay increases, not only for their salary, but meals, lodging, special sessions, constituent and service allowances and also the statement of fact says for the Indian Representative. I do that because there is a number of people who believe that what had happened in Washington with a duck on the voting of whether you should have a pay raise or not, should not occur here. It is my intention to give anybody who wants to, the opportunity to say that they do not favor it, or the opportunity to say that they do favor it. I favor it and I am not ashamed on saying that. I have seen a lot of changes in the Maine Legislature over the years and one of the things that has been moderately changed, I must say, is the salary for Maine Legislators. I think everybody in Maine, that I have ever talked to, believes we earn the amount of money that we are paid and then some. I, as a matter of fact, with a very few exceptions, have never run into anybody who thought I was being paid too much, or anybody else in this Body. They occasionally think the state provides me with a car, because they see the plate on it, or something like that, I have a full-time office, as they do in many other states, and of course that is not true. It has always bothered me over the years for people to criticize an increase in Legislative pay, on one hand, but take it on the other. I suppose that is something that a person has to deal with themselves. But, as for myself, and I think a good many other people in here, it has always been a financial sacrifice for me to be here. Sometimes to the point where I wonder why I do it. I would hope that those people in this Chamber who could see to it, would vote for this.

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

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

Senator DILLENBACK: Thank you Mr. President. Mr. President, men and women of the Senate. I am going to vote opposite from the gentleman from Penobscot, I am going to vote against the pay raise. One of the reasons that I think we should do it, is because we are going to have a professional evaluation of the operation of the Legislature and that study is going to bring forth what we should get for pay, the changes we should make in the Legislature and many other things. So, perhaps it is a little premature at this time to vote for a pay raise. Thank you.

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 pay package is arrived at through a Commission that has served and looked at not only Legislators, but judges and Constitutional officers. That is a study. They were very thorough this year, as a matter of fact, at

least I thought they were very thorough. They asked for me to appear before them and all kinds of other people for their thoughts and their ideas. I might say that I thought the increase that they suggested was unusually low, modest if you wish. But, that is what they suggested and that is what is in this particular budget. As to a study of the operation of the Legislature and how efficient it is, with the exception of myself, I would say that everybody in here is highly efficient and works very hard. There isn't anybody in here who would be ranked anything but A plus on efficiency and hard work.

THE PRESIDENT: The pending question before the Senate is the motion of Senator PEARSON of Penobscot, to ADOPT Senate Amendment "A" (S-429) to Committee Amendment "A" (H-690).

A vote of Yes will be in favor to ADOPT Senate Amendment "A" (S-429) to Committee Amendment "A" (H-690).

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 BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, RANDALL, WEBSTER, WEYMOUTH, WHITMORE

NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBSINS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, THERIAULT, TITCOMB, TWICHELL, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

Senator EMERSON of Penobscot requested and received Leave of the Senate to change his vote from YEA to NAY.

Senator DILLENBACK of Cumberland requested and received Leave of the Senate to change his vote from NAY to YEA.

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, with No Senators being absent, the motion of Senator PEARSON of Penobscot, to ADOPT Senate Amendment "C" (S-429) to Committee Amendment "A" (H-690), FAILED.

Committee Amendment "A" (H-690) 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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1219 L.D. 1691

Reported that the same Ought to Pass.

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

Which Report was READ and ACCEPTED, in concurrence.

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

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

(C "A" H-417; S "A" S-262)

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 30, 1989

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

House Paper 408, Legislative Document 551, AN ACT to Allow Recovery for Wrongful Death of an Unborn Viable Fetus, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Fifty-seven voted in favor and eighty-three against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
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:

ENACTORS

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

An Act to Encourage Air Transportation to Designated Locations in Maine

S.P. 665 L.D. 1778

Comes from the House COMMITTED to the Committee on TRANSPORTATION.

On motion by Senator THERIAULT of Aroostook, COMMITTED to the Committee on TRANSPORTATION, in concurrence.

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

ENACTORS

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

Emergency

An Act to Authorize the Department of Human Services to Implement the Provisions of the United States Family Support Act of 1988

H.P. 767 L.D. 1071
(C "A" H-592)

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

The Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Reduce the Potential for Violence During Labor Disputes

H.P. 292 L.D. 404

Tabled - June 16, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 13, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AND SENATE AMENDMENT "A" (S-262).)

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

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

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

S.P. 318 L.D. 855
(H "A" H-619 to C "A" S-295)

Tabled - June 20, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 19, 1989, RECEDED and CONCURRED to PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-295) AS AMENDED BY HOUSE AMENDMENT "A" (H-619) thereto, in concurrence.)

(In House, June 20, 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.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Promote Prompt and Peaceful Settlements of Labor Disputes

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

Tabled - June 19, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-296).)

(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.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

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

H.P. 1008 L.D. 1406

Tabled - June 19, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-550), 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.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

Emergency

An Act Establishing the Affordable Housing Partnership Act of 1989

H.P. 1269 L.D. 1765

Tabled - June 21, 1989, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In Senate, June 19, 1989, PASSED TO BE ENGROSSED, in concurrence.)

(In House, June 21, 1989, PASSED TO BE ENACTED.)
On motion by Senator DUTREMBLE of York, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-430) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. With the purpose of explaining to the Senate what this Amendment does. This Bill does two things to the Affordable Housing Partnership Act passed by the Housing Committee. It takes off the appropriation and allows the Department to fund the administrative costs with existing money.

Senate at Ease

Senate called to order by the President.

On further motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-430) ADOPTED.

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

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

Off Record Remarks

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON TAXATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE
June 30, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature
Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Taxation during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	170
Unanimous reports	157
Leave to Withdraw	63
Ought to Pass	5
Ought Not to Pass	73
Ought to Pass as Amended	16
Ought to Pass in New Draft	0
Divided reports	9
Carry Overs	4

Respectfully submitted,

S/Thomas H. Andrews S/John A. Cashman

Senate Chair House Chair
Which was READ and ORDERED PLACED ON FILE.

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 the Medicaid Advisory Committee to the Bureau of Medical Services in the Department of Human Services

S.P. 666 L.D. 1779
(S "A" S-411)

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:

Emergency

An Act to Provide Comprehensive, Consolidated Student Financial Assistance Services

H.P. 837 L.D. 1169
(C "C" H-694)

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending ENACTMENT.

Senate at Ease

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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

H.P. 475 L.D. 640
(C "A" H-690)

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Saturday, July 1, 1989, at 8:30 in the morning.