

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME IV

FIRST SPECIAL SESSION
August 21, 1989 to August 22, 1989
Index

FIRST CONFIRMATION SESSION
October 30, 1989
Index

SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

(EMERGENCY) Committee on State and Local Government reporting "Ought to Pass"

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Paper was passed to be engrossed and sent up for concurrence.

On motion of Representative Martin of Van Buren, Adjourned until Tuesday, August 22, 1989, at nine-thirty in the morning.

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

In Senate Chamber
Monday
August 21, 1989

In Compliance with a proclamation of His Excellency, Governor JOHN R. MCKERNAN, JR., the Senators will convene in the Senate Chamber at 2:00 in the afternoon.
Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland.

SENATOR CLARK: Shall we be in the spirit of prayer. Eternal Spirit, with humility and consideration of the needs of others, let us come near to You, confident in Your grace and finding in You our refuge and strength. Move within our hearts that we may give ourselves in joy this day for the sake of Your Kingdom, O God, and the people of our State of Maine. Amen.

The Secretary will read the Proclamation.

State of Maine
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of agreements between the State of Maine and various labor organizations representing several bargaining units of public employees, which agreements will alter the compensation and benefits to be received by said public employees; and

WHEREAS, the laws of the State of Maine require legislative approval of certain financial provisions of any contract between the State and an employee organization; and

WHEREAS, Maine needs to make a new and expanded commitment to a major capital improvement program in our corrections system in order to ensure that incarcerated offenders serve their time without threat to public safety and within Constitutional requirements; and

WHEREAS, it is necessary to receive legislative approval of a corrections bond issue in a timely fashion so that the issue may be included on the ballot for consideration by the voters at referendum in November of this year,

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, do hereby convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Monday, the twenty-first (21st) day of August, 1989 at two (2) o'clock in the afternoon in order to receive communications, enact legislation to approve certain collective bargaining agreements, approve a corrections bond issue and conduct such other legislative business as may be appropriate.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this tenth (10th) day of August in the Year of our Lord One Thousand

Nine Hundred and
Eighty-Nine.
S/JOHN R. MCKERNAN, JR.
Governor

ATTEST: G. William Diamond
Secretary of State

Which was READ and ORDERED PLACED ON FILE.

ROLL CALL

The Roll being called, the following Senators answered to their name:

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

33 Senators having answered to the Roll, the President declared a quorum present.

At this point a message was received from the House of Representatives, borne by Representative GWADOSKY of Fairfield, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of order and under suspension of the Rules, on motion by Senator CLARK of Cumberland, the following Senate Order:

ORDERED, that a message be sent to His Excellency, Governor JOHN R. MCKERNAN, JR., informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from Cumberland, Senator CLARK to deliver the message to His Excellency, the Governor.

Subsequently, the Senator from Cumberland, Senator CLARK reported that she had delivered the message with which she was charged.

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message.

Subsequently, the Senator from York, Senator DUTREMBLE reported that he had delivered the message with which he was charged.

Senate at Ease

Senate called to order by the President.

COMMUNICATIONS

The Following Communication:

114TH MAINE LEGISLATURE

August 2, 1989

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3

Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority we have appointed the following:

Cancer Prevention and Control Advisory Board (Public Laws of 1987, Chapter 380):

Ms. Margaret Hopkins of Millinocket
Dr. Leslie Fernow of Dover-Foxcroft (reappointment)

Ms. Elizabeth Richard of Rockport (reappointment)

Ms. Jean Callum of Bangor (reappointment)

State House and Capitol Park Commission (Public Laws of 1989, Chapter 410) (Formerly known as the State Capitol Commission):

Merle Nelson of Falmouth
Don Cyr of Lille-Sur-St. Jean

Mrs. John Rand of Freeport (reappointment)

Ms. Joan Woodcock of Bangor (reappointment)

Commission to Evaluate the Adequacy of AFDC Need and Payment Standards (Public Laws of 1989, Chapter 501):

Professor John Romanyshyn of Peaks Island

Kathy Klein-Pickering of Millinocket

Marilyn Cameron of Dover-Foxcroft

Ms. Bernice Rogalinski of Dover-Foxcroft

Ms. Diane Gower of Auburn

Julie Firestone of Fort Kent

Kathy Moore of Waterville

Special Commission to Study the Organization of the State's Cultural Agencies (Public Laws of 1989, Chapter 501):

Mrs. Barbara Mason of Millinocket

Mr. Harold Pachios of Cape Elizabeth

Mandated Benefits Advisory Commission (Public Laws of 1989, Chapter 556):

Senator Raynold Theriault of Aroostook

Mr. Norman Soucie of Bangor

Ms. Carol Harris of Greenville

Dr. Robert Lynch of South Portland

Dr. David Lambert of Portland

Rep. Phyllis R. Erwin of Rumford

Rep. Everett O. Pederson of Bangor

Student Financial Aid Transition Committee (Public Laws of 1989, Chapter 559):

Senator Stephen Bost of Penobscot, Chair

Senator Barbara Gill of Cumberland

Rep. Nathaniel Crowley Stockton Springs

Rep. John O'Dea of Orono

Rep. Omar Norton of Winthrop

Mr. James Grandmaison of Fort Kent

Mr. Dean Smith of Dover-Foxcroft

Affordable Housing Alliance Advisory Committee (Public Laws of 1989, Chapter 581):

Ms. Cathy Carothers of South Portland

Mr. Luke Muzzy of Greenville

Sister Lucy Poulin of Orland

Mr. James Sullivan of Wellington

Margaret Haynes of Rockland

Interagency Task Force on Homelessness and Housing Opportunities (Public Laws of 1989, Chapter 581):

Mr. Tom Nelson of Sanford

Mr. Don Gean of Alfred

Ms. Doris Hohman of Portland

Ms. Christiana Lynn Cote of Augusta

and Mr. Charles Woodward of Leeds

Maine Health Program Advisory Committee (Public Laws of 1989, Chapter 588):

Ms. Christine Hastedt of Augusta

Barbara Darling of Portland

Ms. Bonnie Post of Owl's Head (the Special Select Commission on Access to Health Care)

Susan M. Soucie of Eagle Lake

Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System (Resolves of 1989, Chapter 55):

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,
S/Ralph L. Tucker
Chairman

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication:
MAINE LABOR RELATIONS BOARD
STATE HOUSE STATION 90
AUGUSTA, MAINE 04333

July 24, 1989

Mr. Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

Attached are copies of the annual reports for the Maine Labor Relations Board, the Panel of Mediators, and the Board of Arbitration and Conciliation, which were submitted to the Governor's Office, as required by statute, on June 30, 1989.

Sincerely,
S/Nancy Connolly Fibish
Executive Director

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

July 13, 1989

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

Dear Senator Pray:

This is to inform you that I am today nominating Andrew B. Berry of North Whitefield for reappointment as a member of the Board of Pesticides Control. Pursuant to Title 22, M.R.S.A. Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

July 13, 1989

Senator R. Donald Twitchell
Representative Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Andrew B. Berry of North Whitefield for reappointment as a member of the Board of Pesticides Control.

Pursuant to Title 22, M.R.S.A. Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
July 31, 1989

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

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Andrew B. Berry of North Whitefield, for reappointment to the Board of Pesticides Control.

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

YEAS: Senators 1
Representatives 10

NAYS: 0

ABSENT: 2 Sen. Twitchell of Oxford,
Sen. Kany of Kennebec

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Andrew B. Berry of North Whitefield, for reappointment to the Board of Pesticides Control be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended the nomination of Andrew B. Berry of North Whitefield, for reappointment to the Board of Pesticides Control, be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators ANDREWS, BUSTIN

LEGISLATIVE RECORD - SENATE, AUGUST 21, 1989

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Andrew B. Berry, for reappointment to the Board of Pesticides Control, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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:

The Following Communication:

DEPARTMENT OF ADMINISTRATION
BUREAU OF EMPLOYEE RELATIONS
STATE HOUSE STATION 79
AUGUSTA, MAINE 04333

August 2, 1989

John L. Martin
Speaker of the House
114th Legislature
State House Station #2
Augusta, ME 04333
Charles P. Pray
President of the Senate
114th Legislature
State House Station #3
Augusta, ME 04333

Dear Mr. Speaker and Mr. President:

Enclosed please find a Summary of Changes for the 1989-92 collective bargaining agreements between the State of Maine and the Maine State Employees Association and the American Federation of State, County and Municipal Employees unions. The tentative agreements have been ratified by the respective unions and we are currently in the process of preparing changes for the entire agreement which I will forward to you by August 14, 1989.

We are in the process of drafting legislation to provide for the funding and implementation of the negotiated agreements. We continue negotiations with the Maine State Troopers Association and are hopeful that an agreement can be reached with that unit as well. If so, I will provide you with the details of the settlement as soon as possible thereafter.

Please do not hesitate to contact me if I can be of further assistance or provide you with any additional information concerning the terms of the agreements.

Sincerely,
S/Kenneth A. Walo
Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:

DEPARTMENT OF ADMINISTRATION
BUREAU OF EMPLOYEE RELATIONS
STATE HOUSE STATION 79
AUGUSTA, MAINE 04333

August 8, 1989

John L. Martin
Speaker of the House
114th Legislature

State House Station #2
Augusta, ME 04333
Charles P. Pray
President of the Senate
114th Legislature
State House Station #3
Augusta, ME 04333

Dear Mr. Speaker and Mr. President:

Enclosed please find a Summary of the Tentative Agreement between the State of Maine and the Maine State Troopers Association. Upon ratification we will prepare the changes for the entire agreement which I will forward to you by August 14, 1989.

Please do not hesitate to contact me if I can be of further assistance or provide you with any additional information concerning the terms of the agreements.

Sincerely,
S/Kenneth A. Walo
Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:

DEPARTMENT OF ADMINISTRATION
BUREAU OF EMPLOYEE RELATIONS
STATE HOUSE STATION 79
AUGUSTA, MAINE 04333

August 14, 1989

John L. Martin
Speaker of the House
114th Legislature
State House Station #2
Augusta, ME 04333
Charles P. Pray
President of the Senate
114th Legislature
State House Station #3
Augusta, ME 04333

Dear Mr. Speaker and Mr. President:

Enclosed please find copies of the final drafts of the five (5) 1989-92 collective bargaining agreements between the State of Maine and the Maine State Employees Association.

The final draft agreement between the State and the American Federation of State, County and Municipal Employees will follow shortly. Also, today we expect ratification results of the tentative agreement reached with the Maine State Troopers Association.

Please do not hesitate to contact me if I can be of further assistance or provide you with any additional information concerning the terms of the agreements.

Sincerely,
S/Kenneth A. Walo
Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

August 4, 1989

The Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, Maine 04333-0002
Dear President Pray:

Pursuant to 25 MRSA 1544, it is my privilege to present to you and the members of the Senate the 14th Crime in Maine Annual Report.

Since the inception of the Uniform Crime Reporting Program in Maine in 1974, the Maine State Police and the Department of Public Safety have been proud to serve as the sponsoring agency for the collection, analysis and dissemination of our State's only source of reported crime data.

It is to the credit of the 120 state, county and local law enforcement agencies throughout the State that these vital criminal statistics are available to measure the impact of crime and law enforcement's response to it.

As this year's report identifies a modest increase in the crime rate, it becomes obvious that all levels of law enforcement and government must work in the spirit of cooperation in preserving Maine's quality of life.

With the ever-increasing pressures on state and local government to provide crucial services, it is hoped that the information contained herein will be a valuable informational tool to assist in the weighty decisions concerning the allocation of resources, creation of new laws and the adjudication of our legal system.

Should you like further information concerning Maine's growing crime challenge, please feel free to contact Stephan Bunker, Uniform Crime Reporting Supervisor, at 289-2025.

Sincerely,
S/John Atwood
Commissioner
Department of Public Safety

Which was READ and with Accompanying Papers
ORDERED PLACED ON FILE.

The Following Communication: S.P. 677
114th MAINE LEGISLATURE
August 16, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature
The Honorable John L. Martin
Speaker of the House
114th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today seven bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on August 16, 1989, as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Relating to the Compeer Program" (EMERGENCY) (S.P. 668) (L.D. 1782) (Presented by President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Relating to Funding for Adult Day Care Services" (EMERGENCY) (S.P. 669) (L.D. 1783) (Presented by Senator CLARK of Cumberland) (Cosponsored by Senator BRANNIGAN of Cumberland, Representative HICKEY of Augusta and Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Fund and Implement Collective Bargaining Agreements with Employees of the Judicial Department" (EMERGENCY) (S.P. 671) (L.D. 1792) (Presented by Senator PEARSON of Penobscot)

Bill "An Act to Fund and Implement Collective Bargaining Agreements with Certain Employees of the Maine Vocational-Technical Institute System"

(EMERGENCY) (S.P. 672) (L.D. 1793) (Presented by Senator PEARSON of Penobscot)

Bill "An Act to Authorize General Fund Bond Issues in the Amounts of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities" (EMERGENCY) (S.P. 673) (L.D. 1794) (Presented by Senator PERKINS of Hancock)

HUMAN RESOURCES

Bill "An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data" (S.P. 675) (L.D. 1796) (Presented by Senator GAUVREAU of Androscoggin) (Cosponsored by Senator COLLINS of Aroostook and Representative RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

JUDICIARY

Bill "An Act to Amend the Law Allowing an Officer of a Corporation to Represent that Corporation in any Court Action" (EMERGENCY) (S.P. 674) (L.D. 1795) (Presented by Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

August 15, 1989

Honorable Charles P. Pray
President of the Senate
Senate Chambers
State House
Augusta, Maine 04333

Dear President Pray:

Board of Environmental Protection member Hervey Triplett's term expired on May 21, 1989, and he has continued to serve in that capacity. As you know, by law he can only serve 90 days beyond the expiration of his term unless I notify the Legislature of my findings that extension of a member's term beyond this period is in the best interest of the work of the board. Pursuant to MRSA 38, Section 361, I hereby submit a formal notification of my intention to extend Mr. Triplett's term beyond August 19, 1989.

It is also my intention to nominate a replacement for Mr. Triplett on the Board of Environmental Protection when I announce the next round of appointments requiring legislative confirmation, which will be in conjunction with the enactment of laws passed during the First Regular Session of the 114th Legislature.

In the meantime, it is imperative that Mr. Triplett continue to participate as a member of BEP. Of special interest is a major case now pending before the Board regarding the Penobscot Energy Recovery Facility. The BEP is expected to make its decision on this case within the next two months and his knowledge of the complex issues of the case makes it desirable to have him take part in the final deliberations and resolution.

Thank you for your consideration

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
DEPARTMENT OF ADMINISTRATION
BUREAU OF EMPLOYEE RELATIONS
STATE HOUSE STATION 79
AUGUSTA, MAINE 04333

August 15, 1989

John L. Martin
Speaker of the House
114th Legislature
State House Station #2
Augusta, ME 04333
Charles P. Pray
President of the Senate
114th Legislature
State House Station #3
Augusta, ME 04333

Dear Mr. Speaker and Mr. President:

Enclosed please find a copy of the final draft of the 1989-92 collective bargaining agreement between the State of Maine and the American Federation of State, County and Municipal Employees.

This office has just been advised that, as a result of a ratification vote, the tentative agreement reached with the Maine State Troopers Association has been rejected by the membership.

Please do not hesitate to contact me if I can be of further assistance or provide you with any additional information concerning the terms of the agreement.

Sincerely,
S/Kenneth A. Walo
Director

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication: S.P. 681
MAINE STATE SENATE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
August 17, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature
The Honorable John L. Martin
Speaker of the House
114th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today five bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on August 17, 1989, as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining" (EMERGENCY) (S.P. 679) (L.D. 1797) (Presented by Senator PEARSON of Penobscot)

Bill "An Act to Make Supplemental Appropriations and Allocations for 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) (S.P. 680) (L.D. 1798) (Presented by Senator PEARSON of Penobscot)

Bill "An Act to Adjust the Compensation for Active Retired Judges" (S.P. 683) (L.D. 1802) (Presented by Senator CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

EDUCATION

Bill "An Act Establishing the Higher Education Students Financial Assistance Board" (EMERGENCY) (S.P. 684) (L.D. 1803) (Presented by Senator BOST of Penobscot) (Cosponsored by Senator GILL of Cumberland, Representative CROWLEY of Stockton Springs and Representative NORTON of Winthrop) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

TRANSPORTATION

Bill "An Act Concerning Operator Licenses Held by Persons 15 Years of Age" (EMERGENCY) (S.P. 682) (L.D. 1801) (Presented by Senator CLARK of Cumberland) (Cosponsored by Representative GWADOSKY of Fairfield and Representative HOGLUND of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

The Following Communication: S.P. 689
MAINE STATE SENATE
STATE HOUSE
AUGUSTA, MAINE 04333
August 18, 1989

The Honorable Charles P. Pray
President of the Senate
114th Legislature
The Honorable John L. Martin
Speaker of the House
114th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today one resolve and three bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on August 18, 1989, as follows:

JUDICIARY

Bill "An Act Concerning Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 687) (L.D. 1808) (Presented by Senator HOBBS of York) (Cosponsored by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

LEGAL AFFAIRS

Bill "An Act Providing for the Immediate Enforcement of Laws Governing the Operation of a Watercraft While Under the Influence" (EMERGENCY) (S.P. 685) (L.D. 1806) (Presented by Senator ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

STATE AND LOCAL GOVERNMENT

Resolve, to Revise the Kennebec County Budget (EMERGENCY) (S.P. 686) (L.D. 1807) (Presented by Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Relating to Various Commissions, Task Forces and Committees" (EMERGENCY) (S.P. 688) (L.D. 1809) (Presented by President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.
Sent down for concurrence.

ORDERS
Joint Order

On motion by Senator CLARK of Cumberland the following Joint Order:

S.P. 670

ORDERED, the House concurring, that Bill, "Resolve, Concerning the Development of a New Master Plan for the Capitol Area," H.P. 1172, L.D. 1626, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.
Sent down for concurrence.

Joint Resolution

On motion by Senator CAHILL of Sagadahoc (Cosponsored by: Representative SMALL of Bath, Representative HOLT of Bath, Senator CLARK of Cumberland) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 26) the following Joint Resolution:

S.P. 676

JOINT RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF
RETIRED ADMIRAL ARLEIGH BURKE TO THE PRESERVATION OF
AMERICAN FREEDOMS

WHEREAS, Retired Admiral Arleigh Burke has earned every medal and honor the United States Navy is able to award for his great personal courage and extraordinary heroism; and

WHEREAS, Retired Admiral Burke has also received the highest civilian honor this nation has to give, the Medal of Freedom; and

WHEREAS, Admiral Burke served his country for an unprecedented 3 terms as Chief of Naval Operations; and

WHEREAS, in World War II, Admiral Burke commanded Destroyer Squadron 23, whose men won more honors in less time than any squadron in any United States navy; and

WHEREAS, 4 of the 8 ships in Admiral Burke's squadron were built at Bath Iron Works; and

WHEREAS, Bath Iron Works is the lead shipyard for the new Arleigh Burke-class destroyer, the most technologically advanced ship of its type in any navy; and

WHEREAS, Admiral Burke and his wife, Roberta, sponsor of the ship, have visited Bath Iron Works on numerous occasions to contribute their special presence during the construction process of a ship whose duty it will be to protect America's interests and freedoms; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Special Session, recognize the contributions of Retired Admiral Arleigh Burke to the preservation of American freedoms and join in the celebration of the launching of the Arleigh Burke-class destroyer on September 16, 1989, at Maine's Bath Iron Works; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Retired Admiral and Mrs. Arleigh Burke.

Which was READ and ADOPTED.
Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

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 PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Adjust the Compensation for Active Retired Judges" S.P. 683 L.D. 1802

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to Funding for Adult Day Care Services" (Emergency)

S.P. 669 L.D. 1783

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Collective Bargaining Agreements with Certain Employees of the Maine Vocational-Technical Institute System" (Emergency)

S.P. 672 L.D. 1793

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining" (Emergency)

S.P. 679 L.D. 1797

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

Senator ESTES for the Committee on EDUCATION on Bill "An Act Establishing the Higher Education Students Financial Assistance Board" (Emergency)

S.P. 684 L.D. 1803

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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

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

COMMITTEE REPORTS
Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund and Implement Collective Bargaining Agreements with Employees of the Judicial Department" (Emergency)

S.P. 671 L.D. 1792

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-447).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-447) READ and ADOPTED.

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

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

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

COMMUNICATIONS

The Following Communication:

114TH MAINE LEGISLATURE

August 21, 1989

Honorable Joy J. O'Brien

Secretary of the Senate

State House Station 3

Augusta, Maine 04333

Dear Secretary O'Brien:

This is to notify you that pursuant to our authority under Chapter 58 of the Resolves of 1989, we have today appointed Rep. Virginia Constantine, of Bar Harbor, to serve as Chair of the Commission to Study the Level of Services for Maine's Elderly Citizens.

Pursuant to our authority under Chapter 574 of the Public Laws of 1989, we have also today appointed Sen. Georgette B. Berube, of Lewiston, to serve as Chair of the Commission on Codification of Rules.

Sincerely,

S/Charles P. Pray S/John L. Martin

President of the Senate Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

July 28, 1989

The Honorable Charles P. Pray

President of the Senate

Senate Chamber

State House

Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Fred Reynolds of Machias for appointment as a member of the Maine Educational Loan Authority Board.

Pursuant to Title 20-A, M.R.S.A. Section 11415, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/John R. McKernan, Jr.

Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

July 28, 1989

Senator Stephen C. Estes

Representative Nathaniel J. Crowley, Sr.

Chairpersons

Joint Standing Committee on Education

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Fred Reynolds of Machias for appointment as a member of the Maine Educational Loan Authority Board.

Pursuant to Title 20-A, M.R.S.A. Section 11415, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 14, 1989

The Honorable Charles P. Pray

President of the Senate of Maine

State House

Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Fred Reynolds of Machias, for appointment to the Maine Educational Loan Authority Board.

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

YEAS: Senators 3

Representatives 9

NAYS: 0

ABSENT: 1 Rep. Paradis of Frenchville

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Fred Reynolds of Machias, for appointment to the Maine Educational Loan Authority Board be confirmed.

Sincerely,

S/Stephen C. Estes

Senate Chair

S/Nathaniel J. Crowley, Sr.

House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on EDUCATION has recommended the nomination of Fred Reynolds of Machias, for appointment to the Maine Educational Loan Authority Board, be confirmed.

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

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

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

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

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator ANDREWS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Fred Reynolds, for appointment to the Maine Educational Loan Authority Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
July 28, 1989

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

Dear Senator Pray:
This is to inform you that I am today nominating Robert Hazelwood of Grand Lake Stream and Linda Alverson of Ashland for reappointment as members of the Land Use Regulation Commission. Pursuant to Title 12, M.R.S.A. Section 683, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
July 28, 1989

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

Dear Senator Pray:
This is to inform you that I am today nominating L. Philip Soucy of Fort Kent for appointment as a member of the Board of Environmental Protection. Pursuant to Title 38, M.R.S.A. Section 361, this nomination will require review by the Joint Standing

Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
July 28, 1989

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

Dear Senator Pray:

This is to inform you that I am today nominating Peter DeAngelis of Orrington for reappointment as a member of the Low-Level Radioactive Waste Authority. Pursuant to Title 38, M.R.S.A. Section 1511, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
July 28, 1989

Senator Judy C. Kany
Representative Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to Title 12, M.R.S.A. Section 683, Robert Hazelwood of Grand Lake Stream and Linda Alverson of Ashland for reappointment as members of the Land Use Regulation Commission.

Pursuant to Title 38, M.R.S.A. Section 361, L. Philip Soucy of Fort Kent for appointment as a member of the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A. Section 1511, Peter DeAngelis of Orrington for reappointment as a member of the Low-Level Radioactive Waste Authority. These nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND FOURTEENTH LEGISLATURE
August 15, 1989

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

State House
 Augusta, Maine 04333
 Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Robert Hazelwood of Grand Lake Stream, for reappointment to the Land Use Regulation Commission.

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

YEAS:	Senators	3
	Representatives	7
NAYS:		0
ABSENT:	3	Rep. Mitchell of Freeport, Rep. Simpson of Casco, Rep. Lord of Waterboro

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert Hazelwood of Grand Lake Stream, for reappointment to the Land Use Regulation Commission be confirmed.

Sincerely,

S/Judy C. Kany
 Senate Chair

S/Michael H. Michaud
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Robert Hazelwood of Grand Lake Stream, for reappointment to the Land Use Regulation Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator ANDREWS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Robert Hazelwood, for reappointment to the Land Use Regulation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 August 15, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Linda Alverson of Ashland, for reappointment to the Land Use Regulation Commission.

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

YEAS:	Senators	3
	Representatives	7
NAYS:		0
ABSENT:	3	Rep. Jacques of Waterville, Rep. Mitchell of Freeport, Rep. Lord of Waterboro

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Linda Alverson of Ashland, for reappointment to the Land Use Regulation Commission be confirmed.

Sincerely,

S/Judy C. Kany
 Senate Chair

S/Michael H. Michaud
 House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Linda Alverson of Ashland, for reappointment to the Land Use Regulation Commission, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator ANDREWS

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

reappointment to the Land Use Regulation Commission, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 August 15, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of L. Philip Soucy of Fort Kent, for appointment to the Board of Environmental Protection.

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

YEAS: Senators 2
 Representatives 7

NAYS: 0

ABSENT: 4 Sen. Kany of Kennebec,
 Rep. Mitchell of Freeport,
 Rep. Simpson of Casco,
 Rep. Lord of Waterboro

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of L. Philip Soucy of Fort Kent, for appointment to the Board of Environmental Protection be confirmed.

Sincerely,

S/Judy C. Kany S/Michael H. Michaud
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of L. Philip Soucy of Fort Kent, for appointment to the Board of Environmental Protection, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator ANDREWS

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

The Secretary has so informed the Speaker of the House.

The Following Communication:
 COMMITTEE ON ENERGY AND NATURAL RESOURCES
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 August 15, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Peter DeAngelis of Orrington, for reappointment to the Low-Level Radioactive Waste Authority.

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

YEAS: Senators 3
 Representatives 8

NAYS: 0

ABSENT: 2 Rep. Mitchell of Freeport,
 Rep. Lord of Waterboro

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter DeAngelis of Orrington, for reappointment to the Low-Level Radioactive Waste Authority be confirmed.

Sincerely,

S/Judy C. Kany S/Michael H. Michaud
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on ENERGY AND NATURAL RESOURCES has recommended the nomination of Peter DeAngelis of Orrington, for reappointment to the Low-Level Radioactive Waste Authority, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on ENERGY AND NATURAL RESOURCES be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senator ANDREWS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Peter DeAngelis, for reappointment to the Low-Level Radioactive Waste Authority, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

July 13, 1989

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House

Augusta, Maine 04333

Dear Senator Pray:

This is to inform you that I am today nominating Daniel M. Parker of Westbrook for appointment as a member of the Adaptive Equipment Loan Program. Pursuant to Public Law 1989, Chapter 276, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

July 13, 1989

Senator Dennis L. Dutremble
Representative Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic
Development

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Daniel Parker of Westbrook for appointment to the Adaptive Equipment Loan Program Fund Board.

Pursuant to Public Law 1989, Chapter 276, this nomination will require review by Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

July 24, 1989

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

Dear Senator Pray:

This is to inform you that I am withdrawing and reposting my nomination of Daniel M. Parker of Westbrook for appointment as a member of the Adaptive Equipment Fund Board.

Pursuant to Public Law 1989, Chapter 276, this nomination is currently pending before the Joint Standing Committee on Housing and Economic Development.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333

July 24, 1989

Senator Dennis L. Dutremble

Representative Gregory G. Nadeau

Chairpersons

Joint Standing Committee on Housing and Economic
Development

114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn and reposted his nomination of Daniel M. Parker of Westbrook for appointment as a member of the Adaptive Equipment Loan Program Fund Board.

Pursuant to Public Law 1989, Chapter 276, this nomination is currently pending before the Joint Standing Committee on Housing and Economic Development.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE
August 8, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Daniel M. Parker of Westbrook, for appointment to the Adaptive Equipment Loan Program Fund Board.

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

YEAS: Senators 2
Representatives 6
NAYS: 0
ABSENT: 5 Sen. Andrews of Cumberland

Rep. Melendy of Rockland
Rep. Mills of Bethel
Rep. Graham of Houlton
Rep. Lebowitz of Bangor

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Daniel M. Parker of Westbrook, for appointment to the Adaptive Equipment Loan Program Fund Board be confirmed.

Sincerely,

S/Dennis L. Dutremble Senate Chair
S/Gregory G. Nadeau House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT has recommended the nomination of Daniel M. Parker of Westbrook, for appointment to the Adaptive Equipment Loan Program Fund Board, be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on HOUSING AND ECONOMIC DEVELOPMENT be overridden?"

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator ANDREWS

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Daniel M. Parker, for appointment to the Adaptive Equipment Loan Program Fund Board, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
July 13, 1989

The Honorable Charles P. Pray
President of the Senate
Senate Chamber
State House
Augusta, Maine 04333
Dear Senator Pray:
This is to inform you that I am today nominating Samuel G. Davidson of South Portland for reappointment as a member of the Natural Resources Financing and Marketing Board.
Pursuant to P.L. 1989, C.4, Section 2, this

nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
July 13, 1989

Senator Dennis L. Dutremble
Representative Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic Development
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Samuel G. Davidson of South Portland for reappointment as a member of the Natural Resources Financing and Marketing Board.

Pursuant to P.L. 1989, C.4, Section 2, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
July 24, 1989

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

Dear Senator Pray:

This is to inform you that I am withdrawing and reposting my nomination of Samuel G. Davidson of South Portland for reappointment as a member of the Natural Resources Financing and Marketing Board.
Pursuant to Public Law 1989, Chapter 4, Section 2, this nomination is currently pending before the Joint Standing Committee on Housing and Economic Development.

Thank you for your assistance in this matter.

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
July 24, 1989

Senator Dennis L. Dutremble
Representative Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic Development
114th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn and is reposting his nomination of Samuel G. Davidson of South Portland for reappointment as a member of the Natural Resources Financing and Marketing Board.

Pursuant to P.L. 1989, C.4, Section 2, this nomination is currently pending before the Joint Standing Committee on Housing and Economic Development.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE
August 8, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Samuel G. Davidson of South Portland, for reappointment to the Natural Resources Financing and Marketing Board.

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

YEAS:	Senators	2
	Representatives	6
NAYS:		0
ABSENT:	5	Sen. Andrews of Cumberland Rep. Melendy of Rockland Rep. Mills of Bethel Rep. Graham of Houlton Rep. Lebowitz of Bangor

Eight members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Samuel G. Davidson of South Portland, for reappointment to the Natural Resources Financing and Marketing Board be confirmed.

Sincerely,

S/Dennis L. Dutremble
Senate Chair

S/Gregory G. Nadeau
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on HOUSING AND ECONOMIC DEVELOPMENT has recommended the nomination of Samuel G. Davidson of South Portland, for reappointment to the Natural Resources Financing and Marketing Board, be confirmed.

The pending question before the Senate is:
"Shall the recommendation of the Committee on HOUSING AND ECONOMIC DEVELOPMENT be overridden?"

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

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

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

Is the Senate ready for the question?
The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senator ANDREWS
No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Samuel G. Davidson, for reappointment to the Natural Resources Financing and Marketing Board, was CONFIRMED.
The Secretary has so informed the Speaker of the House.

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
July 28, 1989

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

This is to inform you that I am today nominating the Honorable Clifford O'Rourke of Camden for appointment as a Judge of the Maine District Court, District VI. Pursuant to P.L. 1989, Chapter 501, Part P, Section 2, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.
Sincerely,
S/John R. McKernan, Jr.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333
July 28, 1989

Senator Barry J. Hobbins
Representative Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable Clifford O'Rourke of Camden for appointment as a Judge of the Maine District Court, District VI.

Pursuant to P.L. 1989, Chapter 501, Part P, Section 2, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON JUDICIARY
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 August 17, 1989

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Clifford O'Rourke of Camden, for appointment as a Judge of the Maine District Court.

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

YEAS: Senators 2
 Representatives 7
 NAYS: 0

ABSENT: 4 Sen. Holloway of Lincoln,
 Rep. MacBride of Presque Isle,
 Rep. Hanley of Paris,
 Rep. Richards of Hampden

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Clifford O'Rourke of Camden, for appointment as a Judge of the Maine District Court be confirmed.

Sincerely,

S/Barry J. Hobbins S/Patrick E. Paradis
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended the nomination of Clifford O'Rourke of Camden, for appointment as a Judge of the Maine District Court, be confirmed.

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

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

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

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

Is the Senate ready for the question?
 The Doorkeepers will secure the Chamber.
 The Secretary will call the Roll.

ROLL CALL

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

ABSENT: Senators ANDREWS, PERKINS

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Clifford O'Rourke, for

appointment as a Judge of the Maine District Court, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication: H.P. 1299
 STATE OF MAINE
 HOUSE OF REPRESENTATIVES
 AUGUSTA 04333

August 16, 1989

John L. Martin
 Speaker of the House
 114th Legislature
 Charles P. Pray
 President of the Senate
 114th Legislature

Dear Mr. Speaker and Mr. President:

On August 16, 1989, eight Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on August 16, 1989 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Clarify the Question to Be Presented to the Voters Concerning the Maine Vocational-Technical Institute System Bonds" (EMERGENCY) (H.P. 1292) (L.D. 1785) (Presented by Representative GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Provide Funding for Group Care Services" (H.P. 1293) (L.D. 1786) (Presented by Representative CARROLL of Gray) (Cosponsored by Senator HOLLOWAY of Lincoln, Representative GWADOSKY of Fairfield and Representative LUTHER of Mexico) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Continue Vital Community Services" (EMERGENCY) (H.P. 1295) (L.D. 1788) (Presented by Representative FOSTER of Ellsworth) (Cosponsored by Representative CARROLL of Gray, Senator PERKINS of Hancock and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Appropriate Funds for Vocal Relay Telecommunication Services Provided to Deaf and Hearing Impaired Persons" (EMERGENCY) (H.P. 1298) (L.D. 1791) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator PERKINS of Hancock and Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Permitting the Issuance of Certain Pending Revenue Obligation Securities" (EMERGENCY) (H.P. 1296) (L.D. 1789) (Presented by Representative GWADOSKY of Fairfield)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone" (EMERGENCY) (H.P. 1294) (L.D. 1787) (Presented by Representative PARADIS of Old Town) (Cosponsored by Representative MICHAUD of East Millinocket, Senator PERKINS of Hancock and Representative STROUT of Windham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

HOUSING AND ECONOMIC DEVELOPMENT

Bill "An Act to Break the Cycle of Homelessness in Maine" (EMERGENCY) (H.P. 1297) (L.D. 1790) (Presented by Representative NADEAU of Lewiston)

(Cosponsored by Senator DUTREMBLE of York and Representative BAILEY of Farmington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

LEGAL AFFAIRS

Bill "An Act to Improve Enforcement of Liquor Licensure Laws" (H.P. 1291) (L.D. 1784) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator MATTHEWS of Kennebec, Representative PRIEST of Brunswick and Representative MURPHY of Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.P. 1304
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
August 17, 1989

John L. Martin
Speaker of the House
114th Legislature
Charles P. Pray
President of the Senate
114th Legislature

Dear Mr. Speaker and Mr. President:

On August 17, 1989, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on August 17, 1989 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Concerning Reimbursement to Municipalities with Certain State Facilities" (H.P. 1303) (L.D. 1804) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

EDUCATION

Bill "An Act Concerning Geographic Isolation Grants" (H.P. 1305) (L.D. 1805) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representative MILLS of Bethel, Speaker MARTIN of Eagle Lake and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Authorize Aroostook County to Make Certain Expenditures in the Renovations of the Houlton District Court" (EMERGENCY) (H.P. 1302) (L.D. 1800) (Presented by Speaker MARTIN of Eagle Lake)

UTILITIES

Bill "An Act to Revise the Charter of the Madawaska Water District" (EMERGENCY) (H.P. 1301) (L.D. 1799) (Presented by Representative McHENRY of Madawaska) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,
S/Edwin H. Pert
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

Comes from the House READ and ORDERED PLACED ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1300
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO IMPOSE SANCTIONS AGAINST THE GOVERNMENTS OF THOSE COUNTRIES WITH TIES TO TERRORIST ORGANIZATIONS
WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the President of the United States and the Members of the United States Congress as follows:

WHEREAS, governments are and must be responsible and accountable for the actions of the people they govern; and

WHEREAS, acts of aggression against the citizens of other countries by lawless people and governments that do not recognize fundamental principles of international law must be strongly condemned by civilized nations; and

WHEREAS, We view with outrage and revulsion the cowardly, despicable and unwarranted act of hanging Lieutenant Colonel William R. Higgins, United States Marine Corps, a member of the United Nations peacekeeping force, in retribution for an unrelated grievance against an ally of this nation; and

WHEREAS, it is considered appropriate for a duly authorized government to protect, secure and bring to justice those who harm, molest or detain its citizens unlawfully and without cause; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Special Session, request and urge the President and the Members of Congress of the United States in their capacity as leaders of a prominent world power to take any actions and bring any sanctions against those governments and lawless people sufficient to deter them from future aggressions against citizens of this nation; and be it further

RESOLVED: That the President and the Members of Congress of the United States demand the immediate release of American hostages wherever and by whomever held and treat failure to comply with this demand in a most serious and appropriate manner; and be it further

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

Comes from the House READ and ADOPTED.

Which was READ.

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 am a cosponsor of this Resolution and it is tragic that in today's world, in the very spot where we were taught to love our neighbors and to turn the other cheek, that such a Resolution is necessary. I believe that we, as Americans, have been extremely patient with the way our nationals have been treated abroad. I

feel that we have turned the other cheek much too often and we have waited for the last ten years for something to happen and really nothing has happened except our leaders telling us that they are watching the situation very closely. That is the end of it and we never hear anymore about it. I think that there comes a time when enough is enough and I think that time is way overdue. Going back to the teachings of this great individual if you remember that even he lost his patience one time when he chased the money changers from his father's temple. I think that we should lose our patience also and do something about that situation. I urge you to support this Resolution. Thank you.
Which was ADOPTED, in concurrence.

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

House
Ought Not to Pass

The following Ought Not to Pass 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 Provide Funding for Group Care Services"

H.P. 1293 L.D. 1786

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Clarify the Question to Be Presented to the Voters Concerning the Maine Vocational-Technical Institute System Bonds" (Emergency)

H.P. 1292 L.D. 1785

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, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

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

COMMITTEE REPORTS
House
Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Permitting the Issuance of Certain Pending Revenue Obligation Securities" (Emergency)

H.P. 1296 L.D. 1789

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, the Bill READ TWICE and PASSED TO BE ENGROSSED, in concurrence.

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground"

H.P. 1307 L.D. 1811

Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

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

Resolve, to Allow the Oxford County Commissioners to Release Interest in Land to the Oxford County Association for Retarded Children

H.P. 1306 L.D. 1810

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

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

Senate at Ease

Senate called to order by the President.

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

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

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

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS
Senate
Ought to Pass

Senator MATTHEWS for the Committee on LEGAL AFFAIRS on Bill "An Act Providing for the Immediate Enforcement of Laws Governing the Operation of a Watercraft While Under the Influence" (Emergency)

S.P. 685 L.D. 1806

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

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

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:

ORDERS

Joint Resolution

On motion by Senator MATTHEWS of Kennebec (Approved for Introduction by the Legislative Council

pursuant to Joint Rule 26) the following Joint Resolution:

S.P. 690
 JOINT RESOLUTION IN SUPPORT OF THE
 "TREATMENT WORKS!" CAMPAIGN

WHEREAS, alcoholism and drug dependency threaten the lives, health, jobs and families of many Maine residents; and

WHEREAS, these disorders exact a tremendous toll on the social and economic health of the State; and

WHEREAS, treatment of alcoholism and drug dependency victims is strongly encouraged and supported by the State; and

WHEREAS, in recognition of the importance of alcoholism and drug dependency treatment to Maine communities, the Honorable John R. McKernan, Jr., Governor of the State of Maine, has proclaimed September 1989 as "Treatment Works! Month"; and

WHEREAS, the United States Congress has designated September 1989 as "National Alcohol and Drug Treatment Month"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine now assembled in the First Special Session, recognize the month of September 1989 as "Treatment Works! Month" and encourage Maine residents who are afflicted or affected by alcoholism or drug dependency to seek the treatment and services available to them; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Office of Alcoholism and Drug Abuse Prevention.

Which was READ and ADOPTED.

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

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

COMMITTEE REPORTS

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 PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to the Compeer Program" (Emergency)

S.P. 668 L.D. 1782

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

ENACTORS

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

Emergency

An Act to Clarify the Question to Be Presented to the Voters Concerning the Maine Vocational-Technical Institute System Bonds

H.P. 1292 L.D. 1785

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

Emergency

An Act Permitting the Issuance of Certain Pending Revenue Obligation Securities

H.P. 1296 L.D. 1789

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

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

ENACTORS

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

An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground

H.P. 1307 L.D. 1811

Senate at Ease

Senate called to order by the President.

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

Resolve

Resolve, to Allow the Oxford County Commissioners to Release Interest in Land to the Oxford County Association for Retarded Children

H.P. 1306 L.D. 1810

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

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

RECALLED FROM THE GOVERNOR'S DESK

Emergency Resolve

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

H.P. 1172 L.D. 1626

(S "A" S-433 to C "A"

H-551)

(In Senate, July 1, 1989, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 670, in concurrence.)

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

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was 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 ENCLOSED AS AMENDED.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-551) as Amended by Senate Amendment "A" (S-433) thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "A" (S-433) to Committee Amendment "A" (H-551).

On further motion by same Senator, Senate Amendment "A" (S-433) to Committee Amendment "A" (H-551) INDEFINITELY POSTPONED.

On further motion by same Senator, Senate Amendment "B" (S-448) to Committee Amendment "A" (H-551) READ and ADOPTED.

Senate at Ease
Senate called to order by the President.

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ADOPTION of Committee Amendment "A" (H-551) as Amended by Senate Amendment "B" (S-448) thereto.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Relating to the Inspection of Sample Ballots Prior to General, Primary and Special Elections" (Emergency)

H.P. 1308 L.D. 1812

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Continue Vital Community Services" (Emergency)

H.P. 1295 L.D. 1788

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for Vocal Relay Telecommunication Services Provided to Deaf and Hearing Impaired Persons" (Emergency)

H.P. 1298 L.D. 1791

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone" (Emergency)

H.P. 1294 L.D. 1787

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-719).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-719).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-719) 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 Relating to Funding for Adult Day Care Services

S.P. 669 L.D. 1783

Senate at Ease
Senate called to order by the President.

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

Emergency

An Act Establishing the Higher Education Students Financial Assistance Board

S.P. 684 L.D. 1803

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Supplemental Appropriations and Allocations for 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)

S.P. 680 L.D. 1798

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

Signed:

Senators:

PEARSON of Penobscot

BRANNIGAN of Cumberland

Representatives:

POULIOT of Lewiston

LISNIK of Presque Isle

MCGOWAN of Canaan

CARROLL of Gray
CHONKO of Topsham
RIDLEY of Shapleigh

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-450).

Signed:

Senator:

PERKINS of Hancock

Representatives:

FOSTER of Ellsworth

FOSS of Yarmouth

HIGGINS of Scarborough

Which Reports were READ.

Senator PEARSON of Penobscot, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) Report.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Mr. President. Mr. President, men and women of the Senate. I would urge you to reject the Majority Report and vote in favor of the Minority Report, which has several factors in it which I think are more in keeping with the Special Session and with the pocketbook of not only the State but the people within the State. There are several factors within this budget that I think are perhaps more in keeping with a Regular Session than are appropriate for a Session which was entirely called in general for a salary package for the State employees. One of them is a salary increase for the Constitutional Officers and another factor is day care for Legislators, to name a couple of things that I think should and could be better dealt with at a later date and in a Session which would be called a Regular Session and have a full fledged hearing within it. Not that any of these are perhaps objectionable, but if the condition of our budget which is, as reported last week, more than three percent under prediction to be expanding the budget during a Special Session would seem to be a little premature. So, in this prematurity, I would urge that you reject this Report in favor of a more simple and less ambitious Report, which does not include many of these other factors. 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. I would urge you to vote in favor of my motion to Accept this Majority Report. I think that it is entirely consistent with what we ought to be doing, given the fact that we were presented with a proposal by the Governor's office to spend a certain amount of money and to ratify beyond this particular proposal contracts which also spends a certain amount of money, seventy-two million dollars. When we came into the Session and we were presented with a Bill, which the Governor asked me to sponsor and I did, which calls for the appropriation of a great many different proposals. Arguably you could say that a number of his proposals are not of an emergency nature and could be taken up in a Session in January. It is ironic that our proposals to give people raises who work on a contractual basis in social services in a community would become an issue at the same time you are giving State employees a pay raise.

It seems to me that in order to be equitable, in order to pass the straight face test, you would also have to give those people a raise. It was a matter of us sitting in a Committee, listening to a proposal that was going to cost millions and millions of dollars and seeing people who work for social

services agencies sitting in the back of the room all day long with no prospect of a raise at all. It didn't seem fair to us to leave them out between September and January.

With regard to the Constitutional Officers that the good Senator from Hancock, Senator Perkins, mentioned. What he neglects to tell you is that there was a proposal in it to give judges a pay raise. Now you could argue that could be put off until January. That proposal was ratified and also for retired judges and we are talking three Constitutional Officers to give a pay raise that we found ourselves unable to do when we left the Session last June, because we were cutting corners every where we possibly could cut corners. We argued, at that time, that everybody who was going to get a pay raise would have to wait until the Legislature got a pay raise next Session. Yet, a proposal comes in to give judges a pay raise ahead of time and somehow that is right, but to give a Constitutional Officer a raise is somehow wrong. I don't see the logic in it.

With regard to day care that the Senator from Hancock brought up, this does not call to be immediately effective, it calls for it to be effective in the 115th Legislature. Let me give you the logic to it. Ever since I have been here, which has been fourteen years, every time the State employees had an increase in their mileage allowances, Legislators got it. This time, with the result of the contract, the Governor has negotiated and dependents are getting a sixty percent health insurance paid for, instead of fifty percent. Legislators are going to get that too. This time the negotiation is for child care with the State employees. It seemed that it was ordinary practice and traditional that Legislators would get the same thing as State employees. I don't see any logic in objecting to that.

I would also like to point out that this is 1989 and I think we ought to be a little more enlightened about day care in this state. It seems to me that all over this State we are encouraging, as much as we can, employers to have day care for their employees, state government to have day care for its people, and it seemed to me that one and one made two in this particular instance. That is why and I think those were the only objections that Senator Perkins, from Hancock had that I remember. If there are others, I would be more than happy to address them.

Sometimes when a Bill is passed out, I will say to myself that there are parts of it that I like and parts that I don't like and I feel good about this or I don't feel good about that, but I feel good about this Bill for the most part. I haven't any misgivings about anything. I am a conservative person, I guess most people would say, and I wish that everything were cheaper than it is. Frankly, I had some misgivings about calling this Session in the first place. But, once it is called and you give a pay raise to State employees and you ignore the other people who do the State's work, I can't see myself doing that. It is just not fair, so we did it.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Thank you Mr. President. Mr. President, men and women of the Senate. The good Senator from Penobscot makes some excellent points on behalf of day care and the other things within the budget. My point and my objection I guess would be that I think we are very quickly passing over a power that belongs to us here in the Legislature over to the Executive Director of the Legislative Council.

Within the Report under Part P, because there is no mention made here of this, but it says "the

Executive Director of the Legislative Council is authorized to make necessary provisions to extend increases in benefits to Legislators that are comparable to the benefit increases granted to State employees under the most recent collective bargaining agreement." Frankly, I have no problem with day care. In fact, I assume I have voted for the day care provisions in the past and I hope that I will again, because I think it is a necessary part of our work force and our workplace. However, if we intend to fund this, why not put it up front. Let's put it right out on the table and say ladies and gentlemen this is what it is, this is what I propose to present to you, and let's run it through the process and do it. Let it go up and down labeled as day care, labeled as an expense and then we will vote it through the Committee process. I have no problem with that.

I think the timing is a little off and I think perhaps like many of our family things, and often times you are reluctant to talk against your chair because after spending as many years as he and I have together, we think very many times along the same lines. So, it is merely a matter of the timing and the placing of the benefits that we are not in agreement. I think he and I have taken some hard knocks at times because we have taken some things that we thought very highly of and said a great idea whose time has not come. How better can I explain some of these proposals tonight and say excellent, I have no problem with it, nor do I believe the other signers do, but another time when our pocketbook is not down more than three percent and our revenues are not down more than three percent and we are at the expected revenues and we see a clear definition of the ability to fund them to the degree that they need to be carried on. Sometimes, and I am subject as you are to a criticism to which the public levels at us is that in our effort to do the things that are needed for our people within this State we become too ambitious and at times we need to stand back and say let's do a good job with what we are doing without trying to encompass all things. Not that the proposal is not good, but it would seem to me to be a better policy or a more sound policy to do a complete and dependable job with what we are doing before we try to take on another thing and we do half of a job on all of them. I think, frankly, that criticism is well-founded. So, I say to you tonight while I don't disagree with the thrust, I do think perhaps it could wait for a better day.

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

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. This is enjoyable actually. I know of no finer man in my personal experience than the gentleman that I am now debating. He is just wrong. I need to tell you this in case you have not been told and I suspect you probably have. With respect to the first part of what he said about day care. This is on a sliding scale and probably most people in this Body and the other Body would not qualify, because it has to do with income availability.

If you have a wife and yourself working or if you have a decent job yourself and your husband doesn't have a good job, or your wife doesn't have a good job, you would qualify depending upon your salary. I really doubt that there are very many people at all that would qualify, maybe just one or two in this whole Senate. But, if they need it, it is wonderful for them to have it, because it means they can be here to serve. I think it is good. Ever since I have been here we have always mirrored the benefits

not the salary, but the benefits of negotiated contracts. I think we should.

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. It seems to me that the debate here today has a slight twist to it that I find amusing. How many of your constituents, at least I can assure you that very few of mine who one month found that they had less income than they expected, whether it is three percent, three dollars, regardless of what it is, I can't think of many of my constituents who have less money to spend this month than they expected would go out and spend all the money they had in the bank. That is what, as far as I can see, these Amendments before us do. It seems to me that we have to pay State employees and we should pay the State employees money that they deserve and that is why we are here. It seems to me that the other remaining money, whether it is three million or four million or whatever it is, ought to be socked away someplace. That is what the people in this state would do with their money if they were in the same situation. If this money belonged, as it does, it was the money in their own household budgets, they would be socking it away someplace because if they read the newspaper and you have any concern about what might happen in the future, you would want to have some money set aside. I read recently in the newspaper that there are real concerns in the Fuel Assistance Program. I know Congressman Brennan and Congresswoman Snowe have been working on this problem and there has been some real serious proposed cuts in this program. It seems to me that if we have three million dollars here to spend today, we ought to be setting that aside because none of these programs, not a single one of them, in my book are as worthy as heating homes for the senior citizens out there in the street. Let's put it the way it is. We are spending this money today and we are not going to have it to spend tomorrow. It seems to me that common sense, at least up in Franklin and Somerset County, says you don't spend the money today if you may need it tomorrow. I suggest that we shouldn't be doing this and I would urge you to vote against the Majority Report. 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. The good Senator from Franklin, Senator Webster, would leave you with the impression that we are spending every cent that there is and that is simply not true. There is a provision in this Bill that calls upon the surplus not expended to be put into the Rainy Day Fund up to 2.5 million dollars. It is expected that that money would be somewhere in the neighborhood of one to three million dollars. That would automatically go into the Rainy Day Fund. I would remind the members of this Senate that the Rainy Day Fund itself, which sets aside money in case we have trouble, was sponsored by my co-chairman and it was, I might say, an idea that was part of my particular caucus original idea. We take a great deal of pride in that particular Fund, having established it, and saw to it that it is automatically replenished.

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 through the Chair to any Senator who may care to respond. As everyone here knows, we have a Legislative Compensation Commission that

sometimes we follow their advise and sometimes we don't. I have asked and I can't get the answer to my question and I was hoping someone might be able to respond. Did the Compensation Commission who suggests what our salaries should be from year to year, did they recommend day care for Legislators?

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. I do not believe that they did. Nor do I believe that they recommended that we get a certain mileage allowance. Nor do I believe that they recommended that we get health insurance for dependents at the level that has been proposed. I am simply saying that tradition has, over the years, that those particular items which are considered benefits that are given to State employees follow to the Legislature. They have addressed in the past salary and the constituents service allowance and various other things, but it is not my recollection that day care was addressed, although I could stand to be corrected. They did also address the level of pay for the Constitutional Officers, which we have adopted as they recommended.

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. While we are speaking about wish lists perhaps or other competing needs, I just thought I would mention to the Minority Leader from Franklin County that there were others who thought that perhaps some money should have been spent in other ways.

I was just reading our property tax Bill the other day, the one that we were all so proud of and bragged about so much, and it actually states that as of July 1, 1989, any monies that are available in surplus really should be distributed to the municipalities by basically an increase in the State Municipal Revenue Sharing Fund up to twenty-five million dollars. I did ask the Attorney General's office to look at that and there is a lack of clarity on who determines how much is there when and who puts it into the fund.

I am sure there are other important needs and I am certain that the Legislature will look at heating and perhaps our Congressional Delegation will be successfully as they have in the past on reinstating some of that heating money for all of our constituents who have great need there. In the interim, I certainly rise to support the Majority Report. I believe it is a good Report.

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

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. You might think I am rising to debate the day care issue because next week I am expecting twins, but I am not here to mention that issue at all. I just wanted to take a minute because I find myself wanting to restate for the clarity of the good Senator from Franklin, Senator Webster, that at least in both of these Reports there was a recognition of one group that really needs recognition out there. That is those community service providers that sometimes I think get lost in the shuffle here. We are all very strong supporters of our State employees and we should be here to take care of that issue. There is no debate on that, but what happens is that sometimes those who provide those kinds of support services many times for State employees that work in the

various departments and I think of family violence and treatment for drug abuse and mental health and all of those kinds of concerns those supportive services that are so vital for our state to function, so vital for our State employees to be able to do their job, to contract for supportive services. Those programs are going to be helped and Lord knows not as much as anyone would have wanted either the good Senator from Hancock, Senator Perkins, or the good Senator from Penobscot, Senator Pearson, or anyone, we wish we could help them more. I am just thankful that problem was recognized and we are going to do something for those folks. I meet with those folks on a regular basis and I know their needs and they are helping our young kids, they are helping our senior citizens, they are helping all citizens of this State and I am glad that we are going to recognize them and do something for them.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) Report.

A vote of Yes will be in favor to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators ANDREWS, COLLINS, HOBBS

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator PEARSON of Penobscot, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) Report, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (S-449) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

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 HOBBS for the Committee on JUDICIARY on Bill "An Act to Amend the Law Allowing an Officer of a Corporation to Represent that Corporation in any Court Action" (Emergency)

S.P. 674 L.D. 1795

Ought to Pass As Amended

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act Concerning Operator Licenses Held by Persons 15 Years of Age" (Emergency) S.P. 682 L.D. 1801

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-452) READ and ADOPTED.

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

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

ORDERS OF THE DAY

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

An Act to Clarify the Procedures for Placement of Existing Utility Lines Underground

H.P. 1307 L.D. 1811

Tabled - August 21, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, August 21, 1989, under suspension of the Rules, PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.)

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

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

On motion by Senator TWITCHELL of Oxford, ADJOURNED until Tuesday, August 22, 1989, at 9:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST SPECIAL SESSION

2nd Legislative Day

Tuesday, August 22, 1989

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

Prayer by Father John Fortin, O.S.B., St. Anselm College, Manchester, New Hampshire.

The Journal of Monday, August 21, 1989, was read and approved.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

August 21, 1989

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333
Dear Clerk Pert:

This is to inform you that the following legislators will not be in attendance during the First Special Session of the 114th Maine Legislature:

Representative Willis A. Lord of Waterboro, for health reasons.
Representative Donald V. Carter of Winslow, for personal reasons.
Representative Jean T. Dellert of Gardiner, for legislative business.
Representative Alexander Richard of Madison, for health reasons.

Sincerely,
S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

Bill "An Act to Allow the Sale of the Electric Portion of the Lubec Electric and Water District" (EMERGENCY) (H.P. 1309) (L.D. 1813) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representative MOHOLLAND of Princeton and Representative TAMMARO of Baileyville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(Committee on Utilities was suggested)

Under suspension of the rules, without reference to any committee, the Bill was read once and assigned for second reading later in today's session.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Operator Licenses Held by Persons 15 Years of Age (S.P. 682) (L.D. 1801) (C. "A" S-452)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED