

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
Index

SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

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

In Senate Chamber
Friday
January 5, 1990

Senate called to Order by the President.

Prayer by Reverend Eric Burnard of the First Congregational Church in Waterville.

REVEREND ERIC BURNARD: Let us be in a moment of prayer. God of vision and of hope, as we begin a new year and a new decade, we recall the past; where we have been what we have said and done. But, now O God direct our attention to the future, give to us the compassion to offer care and concern for the needs of all people. Give us the wisdom to make decisions according to Your will and give us the courage to challenge ourselves to grow in Your light and Your way. Be with us for now and forever, in Your name we pray. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1987"
H.P. 691 L.D. 943
(C "A" H-199)

In House, July 1, 1989, Bill and Accompanying Papers INDEFINITELY POSTPONED, in concurrence.

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1482.

Comes from the House Bill and Accompanying Papers RECOMMITTED to the Committee on HUMAN RESOURCES in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

House Papers

Bill "An Act to Continue the Percent for Art Program"
H.P. 1502 L.D. 2082

Bill "An Act to Continue Services for Homeless Youth in Cumberland County" (Emergency)
H.P. 1510 L.D. 2090

Bill "An Act to Determine the Prevalence of Lyme Disease in Maine"
H.P. 1511 L.D. 2091

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project" (Emergency)
H.P. 1509 L.D. 2089

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED.

Which was referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, in concurrence.

Bill "An Act to Strengthen Drug Abuse Treatment for Children of School Age"
H.P. 1504 L.D. 2084

Comes from the House referred to the Committee on EDUCATION and ORDERED PRINTED.

Which was referred to the Committee on EDUCATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Exempt Residential Developments from Noise Control Provisions"
H.P. 1503 L.D. 2083

Bill "An Act Regarding Growth Management Efforts in Opportunity Zones"
H.P. 1505 L.D. 2085

Bill "An Act to Prohibit the Sale of Milk Products in Plastic Containers"
H.P. 1508 L.D. 2088

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

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

Bill "An Act Concerning Availability of Income Between Spouses in the Determination of Medicaid Eligibility for Nursing Home Level Care"
H.P. 1501 L.D. 2081

Comes from the House referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act Concerning the Travel Information Advisory Council"
H.P. 1512 L.D. 2092

Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles"
H.P. 1507 L.D. 2087

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on TRANSPORTATION and ORDERED PRINTED.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED, in concurrence.

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

The Commission on Manufactured Housing, pursuant to P&SL 1987, Chapter 139, ask leave to submit its findings and to report that the accompanying Bill "An Act to Clarify Mobile Home Tenants' Rights"
H.P. 1499 L.D. 2076

Be referred to the Joint Standing Committee on LEGAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Pursuant to Private and Special Laws
COMMISSION ON MANUFACTURED HOUSING

The Commission on Manufactured Housing, pursuant to P&SL 1987, Chapter 139, ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers"

H.P. 1500 L.D. 2077

Be referred to the Joint Standing Committee on LEGAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on LEGAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

Study Report

Committee on BANKING AND INSURANCE

Report of the Committee on BANKING AND INSURANCE to which was referred by the Legislative Council the Study Relative to The Feasibility of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Initial Capitalization of a Public Mutual Insurance Company to Provide Workers' Compensation Insurance to Employers in this State"

H.P. 1496 L.D. 2073

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and REJECTED.

On motion by Senator THERIAULT, The Bill and Accompanying Papers REFERRED to the Committee on BANKING AND INSURANCE and ORDERED PRINTED, pursuant to Joint Rule 19, in NON-CONCURRENCE.

Sent down for concurrence.

Study Report

Committee on JUDICIARY

Report of the Committee on JUDICIARY to which was referred by the Legislative Council the Study Relative to Termination of Medical Treatment, Hydration and Nutrition have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Living Wills"

H.P. 1497 L.D. 2074

Be referred to the Joint Standing Committee on JUDICIARY for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on JUDICIARY and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Study Report

Committee on BUSINESS LEGISLATION

Report of the Committee on BUSINESS LEGISLATION to which was referred by the Legislative Council the Study Relative to Third-Party Prescription Programs have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require That Pharmacists Dispense Generic Drugs When Allowed by the Physician"

H.P. 1498 L.D. 2075

Be referred to the Joint Standing Committee on BUSINESS LEGISLATION for Public Hearing and printed pursuant to Joint Rule 19.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, pursuant to Joint Rule 19.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, pursuant to Joint Rule 19, in concurrence.

Off Record Remarks

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

Senator BUSTIN: Thank you. Mr. President, Men and women of the Senate. In reference to the Legislative Sentiment Memorizing Vivian Powell, who passed away on January 2, 1990, WHEREAS, the Legislature has learned with deep regret of the death of:

Vivian Powell, who passed away on January 2, 1990, after more than 7 years of distinguished service as Public Address System Operator for the Maine House of Representatives. Vivian, a devoted Democrat, firmly believed in the two-party system and will be remembered by all as being exceptionally dedicated, hardworking, generous and good-natured;

HLS 1002

I couldn't let this moment go by without putting on the Record how I feel about Vivian Powell, and asking you to join with me in a moment of silence. Vivian was a wonderful lady, as I think that everybody in the Legislature has come to know, more than that, she was a good friend to myself and my family, she gave of herself unselfishly, and she gave to everybody without asking for anything for herself. She will be sorely missed by me and by my family, by the residence of Augusta, by the residence of Kennebec County, and by the State of Maine. I would ask that you please join with me in a moment of silence for Vivian Powell. Thank you.

COMMUNICATIONS

The Following Communication: H.P. 1513

MAINE STATE LEGISLATURE

AUGUSTA, MAINE 04333

STUDY OF AGRICULTURAL MARKETING AND BARGAINING ACT

December 28, 1989

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature

State House
Augusta, ME 04333
Dear Mr. Chair:

The Study Committee on the Maine Agricultural Marketing and Bargaining Act is pleased to submit the attached report of our study, pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to support agriculture in the State.

Sincerely,
S/Rep. Robert J. Tardy
House Chair

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

The Following Communication: H.P. 1514
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
January 3, 1990

The Honorable John L. Martin, Chair
Legislative Council
Maine Legislature
State House
Augusta, ME 04333
Dear Mr. Chair:

The Joint Standing Committee on Banking and Insurance is pleased to submit the attached report of our Study of Uninsured Motorist Accidents pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our continuing efforts to address this important issue.

Sincerely,
S/Sen. Raynold Theriault S/Rep. Charlene Rydell
Senate Chair House Chair

Comes from the House READ and with Accompanying Papers ORDERED PLACED ON FILE.

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

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
MANUFACTURED HOUSING COMMISSION
December 29, 1989

The Honorable John L. Martin
The Honorable Charles P. Pray
Maine Legislature
State House
Augusta, ME 04333

Dear Speaker Martin and President Pray:

The Manufactured Housing Commission is pleased to submit its report to the Legislature pursuant to Private & Special Law 1987, c. 139.

Sincerely,
S/Rep. Charles R. Priest
Chair

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

The Following Communication:
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333
COMMISSION TO STUDY PUBLIC FINANCING
OF STATE ELECTIONS
December 29, 1989

The Honorable John L. Martin
The Honorable Charles P. Pray
Maine Legislature

State House
Augusta, ME 04333

Dear Speaker Martin and President Pray:

The Commission to Study Public Financing of State Elections is pleased to submit its report to the Legislature pursuant to Resolves 1989, ch. 59.

Sincerely,
S/Rep. Charles R. Priest
Chair

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

SENATE PAPERS

Bill "An Act to Improve the Standard of Living of Children from Low-income Families"

S.P. 828 L.D. 2136

Presented by Senator CLARK of Cumberland
Cosponsored by Senator BRANNIGAN of Cumberland,
Representative BURKE of Vassalboro and
Representative CARROLL of Gray

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Bill "An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens"

S.P. 831 L.D. 2139

Presented by Senator CLARK of Cumberland
Cosponsored by Representative FOSTER of
Ellsworth, Senator ESTES of York and Senator
PEARSON of Penobscot

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

Which were referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED.

Sent down for concurrence.

Bill "An Act to Amend and Improve the Education Laws of Maine"

S.P. 830 L.D. 2138

Presented by Senator GILL of Cumberland
Cosponsored by Senator ESTES of York,
Representative NORTON of Winthrop and
Representative HANDY of Lewiston

Submitted by the Department of Educational and
Cultural Services pursuant to Joint Rule 24.

Bill "An Act to Amend and Reauthorize the Percent for Art Act"

S.P. 834 L.D. 2142

Presented by Senator GILL of Cumberland
Cosponsored by Senator BOST of Penobscot,
Representative FOSTER of Ellsworth and
Representative PARADIS of Frenchville

Submitted by the Department of Educational and
Cultural Services pursuant to Joint Rule 24.

Which were referred to the Committee on EDUCATION
and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Promote Markets for Recycled Newspapers"

S.P. 825 L.D. 2133

Presented by Senator BOST of Penobscot
Cosponsored by Representative DAGGETT of Augusta
and Representative COLES of Harpswell

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

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

Sent down for concurrence.

Bill "An Act to Change the Name of the Committee for the Interdepartmental Coordination of Services to Children and Families"

S.P. 826 L.D. 2134

Presented by Senator GILL of Cumberland
Cosponsored by Representative MANNING of Portland, Senator TITCOMB of Cumberland and Representative FOSS of Yarmouth
Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.

Bill "An Act to Amend Spinal Screening Laws"
S.P. 833 L.D. 2141

Presented by Senator GILL of Cumberland
Cosponsored by Senator TITCOMB of Cumberland, Representative PENDLETON of Scarborough and Representative PARADIS of Frenchville
Submitted by the Department of Human Services pursuant to Joint Rule 24.

Which were referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information"

S.P. 832 L.D. 2140

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Senator HOBBS of York, Representative PARADIS of Augusta and Representative COTE of Auburn
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Allow Kineo Township to Organize"

S.P. 835 L.D. 2143

Presented by Senator WEBSTER of Franklin
Cosponsored by Representative GOULD of Greenville
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Implement Changes to the Homestead Property Tax Exemption Law" (Emergency)

S.P. 827 L.D. 2135

Presented by Senator EMERSON of Penobscot
Cosponsored by Representative HIGGINS of Scarborough, Representative JACKSON of Harrison and Representative DiPIETRO of South Portland
Submitted by the Department of Finance pursuant to Joint Rule 24.

Bill "An Act to Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137

Presented by Senator ANDREWS of Cumberland
Cosponsored by Representative CASHMAN of Old Town and Speaker MARTIN of Eagle Lake
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in Unorganized Territory

S.P. 836 L.D. 2144

Presented by Senator LUDWIG of Aroostook
Cosponsored by Representative PARADIS of Old Town, Representative DEXTER of Kingfield and Representative WHITCOMB of Waldo

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.
Which were referred to the Committee on TAXATION and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act to Increase the Debt Limit of the Stonington Water Company" (Emergency)

S.P. 824 L.D. 2132

Presented by Senator PERKINS of Hancock
Cosponsored by Representative HUTCHINS of Penobscot

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on UTILITIES and ORDERED PRINTED.

Sent down for concurrence.

SECOND READERS

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

Senate As Amended

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

S.P. 665 L.D. 1778

(C "A" S-467)

Which was READ A SECOND TIME and PASSED TO BE GROSSED, as Amended.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Implementation Date of the Drug Testing Laws" (Emergency)

S.P. 837 L.D. 2145

Presented by Senator DUTREMBLE of York
Cosponsored by Speaker MARTIN of Eagle Lake, Representative McHENRY of Madawaska and President PRAY of Penobscot

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Committee on LABOR suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ ONCE and TOMORROW ASSIGNED FOR SECOND READING.

Senator BALDACCI of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator BALDACCI: Mr. President, Ladies and Gentlemen of the Senate. Realizing that it is Friday, I just want to make quick reference of this today, but there has been a problem in my area with advertising about the milk crate law that was passed by the Legislature, and I would like to clarify for members of the Senate what the law is and not what it has been reported to do, and at the same time warn the industry and the media that this misrepresentation as to what the law is that has been passed by the Legislature.

The Business Legislation Committee and the Legislature passed a law which prevented the commercial reuse of milk crates and bakery baskets. It was done because there was a bakery in Androscoggin County that was suffering from smaller competitors that were stealing it's carts, and whatever else, and was seeking this law. The law that was being proposed by the dairy industry on milk crates was not passed, but the law applied just to the commercial reuse unless another dairy steels crates and used them for the commercial reuse. What

has gone on in my area is that the advertising has been very misleading by the dairy industry, thinking and making people believe that it is against the law and they will be fined a \$100 if they have a milk crate. They have been treading on real thin ice, and when a little lady who told me that she had been collecting mittens to give to the poor in a milk crate and she returned it to the dairy, while there are thousands of them around stores and shopping centers and all over the place and they don't pick up their own carts, I was really appalled!

I called and contacted the dairy representatives, and they told me that they are going to stop the advertising. But two nights ago, police officers were on TV talking about picking up people, enforcing the law, and fining them \$100 if they have these milk crates. So, hopefully, the law will be read to as a public service announcement to the people of the State of Maine, that it is not against the law, that university students that use them for storage of albums, or storage, or whatever else, that it's not a \$100 fine, the Legislature didn't pass it.

But the dairy industry tread on very thin ice, and this is a warning to them and the public, that this shouldn't happen again, a misrepresentation. Thank you Mr. President.

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

Off Record Remarks

Senate at Ease
Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Establish Harness Racing Dates for 1990 (Emergency)

H.P. 1547 L.D. 2146

Resolve, Regarding Harness Racing (Emergency)

H.P. 1548 L.D. 2147

Come from the House referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Which were referred to the Committee on AGRICULTURE and ORDERED PRINTED, in concurrence.

On motion by Senator BUSTIN of Kennebec, ADJOURNED in memory of Vivian Powell, until Monday, January 8, 1990, at 12:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
4th Legislative Day
Monday, January 8, 1990

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

Prayer by Reverend Jill Staples, First Congregational Church of Kittery at Kittery Point.

Pledge of Allegiance.

The Journal of Friday, January 5, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Improve the Standard of Living of Children from Low-income Families" (S.P. 828) (L.D. 2136)

Bill "An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens" (S.P. 831) (L.D. 2139)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Amend and Improve the Education Laws of Maine" (S.P. 830) (L.D. 2138)

Bill "An Act to Amend and Reauthorize the Percent for Art Act" (S.P. 834) (L.D. 2142)

Came from the Senate, referred to the Committee on Education and Ordered Printed.

Were referred to the Committee on Education in concurrence.

Bill "An Act to Promote Markets for Recycled Newspapers" (S.P. 825) (L.D. 2133)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Change the Name of the Committee for the Interdepartmental Coordination of Services to Children and Families" (S.P. 826) (L.D. 2134)

Bill "An Act to Amend Spinal Screening Laws" (S.P. 833) (L.D. 2141)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning the Commission to Implement the Computerization of Criminal History Record Information" (S.P. 832) (L.D. 2140)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Allow Kineo Township to Organize" (S.P. 835) (L.D. 2143)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Was referred to the Committee on State and Local Government in concurrence.