

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
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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
February 16, 1990

Senate called to Order by the President.

Prayer by Father Royal Parent of the Holy Family Catholic Church in Lewiston.

FATHER ROYAL PARENT: Father in heaven, banish fear, ignorance, hunger, thirst and pain, banish hate and poverty, let no one live in vain. Lord we pray for golden peace, peace all over the land, may we all dwell in liberty, walking hand in hand. Keep us all forever one, one in love and grace, wipe away all war and strife, give freedom to each race. Let Your justice reign supreme and righteousness be done, let goodness rule the hearts of all and evil be overcome. Amen.

Reading of the Journal of Wednesday, February 14, 1990

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

S.P. 921

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 20, 1990, at 9 o'clock in the morning.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students"

H.P. 882 L.D. 1226

(H "A" H-745 to C "A" H-736)

In Senate, February 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "A" (H-745) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "B" (H-781) thereto, in NON-CONCURRENCE.

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

Joint Resolutions

The Following Joint Resolution: H.P. 1659

JOINT RESOLUTION MEMORIALIZING THE
GOVERNMENTS OF EASTERN EUROPEAN COUNTRIES
TO CONTINUE TO SUPPORT EFFORTS FOR FREEDOM

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the governments of the nations of Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania, the Union of Soviet Socialist Republics and its member republics and Yugoslavia, as follows:

WHEREAS, the people of Maine have watched with admiration during the past 6 months as the people of your nations have courageously stood for the cause of freedom and the rights to which they and their neighbors are entitled; and

WHEREAS, the people of Maine are preparing to attend our local town meetings, a cherished Maine tradition and the purest expression of democratic government; and

WHEREAS, individual expressions of conscience and humanity have touched responsive chords in millions of fellow European citizens who have been inspired to add their voices to the collective demand for freedom of assembly, freedom of the press, freedom of religion, representative self-government and market-based economies; and

WHEREAS, on our own behalf, and on behalf of the people of the State of Maine, we wish to express our support for this evolving process, which is bringing new vitality, and the adoption of democratic values, decentralized governance and pluralistic self-representation to your countries; and

WHEREAS, we express our admiration for the efforts of your people and wish to encourage you to support these efforts and to continue to move forward toward a world of reduced tension in which all governments recognize individual liberties and promote human dignity; now therefore, be it

RESOLVED: That we hope and pray that the peoples of your nations will have the opportunity to have their voices heard and their votes counted; and be it further

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Ambassadors of the above nations to communicate our support and admiration to the highest levels of your governments; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to 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 AS AMENDED BY HOUSE AMENDMENT "B" (H-782) AS AMENDED BY HOUSE AMENDMENT "A" (H-791) thereto.

Which was READ.

House Amendment "B" (H-782) READ.

House Amendment "A" (H-791) to House Amendment "B" (H-782) READ and ADOPTED, in concurrence.

House Amendment "B" (H-782) as Amended by House Amendment "A" (H-791) thereto, ADOPTED, in concurrence.

Which was ADOPTED, as Amended, in concurrence.

The Following Joint Resolution: H.P. 1670

JOINT RESOLUTION IN HONOR OF

DR. CLARENCE P. QUIMBY, THE "YANKEE SCHOOLMASTER"

WHEREAS, Dr. Clarence P. Quimby passed away on January 17, 1982, after 50 years of service as a prominent educator, humanitarian and community leader; and

WHEREAS, Dr. Quimby served as the Headmaster of Cushing Academy for 23 years, as the President of Westbrook College, as a High School Principal in Augusta and as President of the Maine High School Principals Association; and

WHEREAS, Dr. Quimby has been jointly recognized by the residents of Gardiner, Massachusetts and North Turner, Maine as the "Yankee Schoolmaster," and a memorial has been erected in Gardiner fashioned out

of stone taken from North Turner; 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 Second Regular Session, designate Dr. Clarence P. Quimby as the "Yankee Schoolmaster" for a lifetime of efforts and accomplishment in the field of education, and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and presented to the Quimby Memorial Committee and to the Selectmen of the Town of Turner, Maine and the Selectmen of the Town of Gardiner, Massachusetts, as an expression of our esteem.

Comes from the House READ and ADOPTED.
Which was READ and ADOPTED, in concurrence.

The Following Joint Resolution: H.P. 1677

JOINT RESOLUTION MEMORIALIZING THE
CONGRESS OF THE UNITED STATES TO SET ASIDE
SOCIAL SECURITY TRUST FUNDS CURRENTLY
BEING USED TO FUND GENERAL GOVERNMENT EXPENSES

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

WHEREAS, surplus funds in the Social Security Tax Fund were intended to finance the retirement of the large number of workers born in the post-war period and scheduled to retire beginning in the year 2010; and

WHEREAS, Social Security is the most regressive of all taxes, as it is assessed on only the first \$51,300 of annual income earned by workers; and

WHEREAS, from 1977 to 1990, the Social Security payroll tax rates for both employees and employers increased from 5.85% to 7.65% of earnings; and

WHEREAS, nearly 75% of all American taxpayers now pay more in Social Security taxes than they do in income taxes; and

WHEREAS, since 1980, Social Security tax revenue as a percentage of federal revenue has increased 23% while corporate income taxes have declined by an equal percentage; and

WHEREAS, the administration, with the consent of Congress, is currently using Social Security tax funds to pay for general government expenses, thus masking the actual size of the federal deficit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to repeal the Social Security tax increase that took effect earlier this year, or to discontinue the use of Social Security contributions to fund general government expenses; and be it further

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

Comes from the House READ and ADOPTED.
Which was READ and ADOPTED, in concurrence.

SENATE PAPERS

Resolve, Directing the Department of Human Services to Develop a Poison Warning System
S.P. 915 L.D. 2321

Presented by Senator TITCOMB of Cumberland
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which was referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.
Sent down for concurrence.

Bill "An Act Creating the Long Pond Water District"

S.P. 916 L.D. 2322

Presented by Senator PERKINS of Hancock
Cosponsored by Representative FARREN of Cherryfield
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Bill "An Act to Create the Winter Harbor Water District"

S.P. 917 L.D. 2323

Presented by Senator PERKINS of Hancock
Cosponsored by Representative CONSTANTINE of Bar Harbor
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Which were referred to the Committee on UTILITIES and ORDERED PRINTED.
Sent down for concurrence.

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

Pursuant to Resolves
COMMISSION ON MAINE'S FUTURE
Senator KANY for the COMMISSION ON MAINE'S FUTURE, pursuant to Resolves 1987, Chapter 60 and Resolves 1989, Chapter 3, ask leave to submit its findings and to report that the accompanying Resolve, to Create the Commission on Effective Information Systems in State Government

S.P. 919 L.D. 2325

Be referred to the Joint Standing Committee on STATE AND LOCAL GOVERNMENT for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.
The Resolve referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, pursuant to Joint Rule 18.
Sent down for concurrence.

Pursuant to Resolves
COMMISSION ON MAINE'S FUTURE
Senator KANY for the COMMISSION ON MAINE'S FUTURE, pursuant to Resolves 1987, Chapter 60 and Resolves 1989, Chapter 3, ask leave to submit its findings and to report that the accompanying Resolve, to Create the Maine Commission on Environmental Policy

S.P. 920 L.D. 2326

Be referred to the Joint Standing Committee on ENERGY AND NATURAL RESOURCES for Public Hearing and printed pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED.
The Resolve referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.
Sent down for concurrence.

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

COMMITTEE REPORTS

House
Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Emergency Fuel Assistance to Elderly and Low-income Residents" (Emergency)

H.P. 1579 L.D. 2188

The Committee on TAXATION on Bill "An Act Concerning the Property Tax Circuit Breaker"

H.P. 1629 L.D. 2256

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 BANKING AND INSURANCE on Bill "An Act to Authorize Mortgagees to Require Property Insurance Provided by Insurers Which Meet Standards Established by Federal Mortgage Loan Corporations" (Emergency)

H.P. 1248 L.D. 1741

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Establishing Procedures for Notice of Proposed Zoning Changes" (Emergency)

H.P. 1326 L.D. 1828

Ought to Pass

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Permit the Sale of Consumer Education Materials by the Attorney General"

H.P. 1568 L.D. 2173

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.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Regulate Food Salvage Operations"

H.P. 1536 L.D. 2121

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-767).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-767).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-767) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Improve Indoor Air Quality Through Accurate Testing and Effective Reduction of Radon Levels in Buildings"

H.P. 655 L.D. 889

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-769).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-769).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "B" (H-769) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Use of Herbicides in the Allagash Wilderness Waterway"

H.P. 1327 L.D. 1829

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-768).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-768).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-768) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act Authorizing the Public Advocate to Initiate Proceedings on Behalf of Utility Consumers"

H.P. 1400 L.D. 1936

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-762).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-762) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act to Require Notice of Charges for Use of Telephones Made Available for Public Use"

H.P. 1569 L.D. 2174

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-770).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-770).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-770) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Establishing Ownership of and Liability for Nuclear Waste"

H.P. 1538 L.D. 2123

Reported that the same Ought Not to Pass.

Signed:

Senators:

KANY of Kennebec
LUDWIG of Aroostook
ERWIN of Oxford

Representatives:

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

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

Signed:

Representative:

SIMPSON of Casco

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

Which Reports were READ.

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

Senator KANY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I wanted to explain why the Committee voted as it did on this particular measure, even though ordinarily with all three Senators opposed you would not expect to hear from Committee.

This particular legislation would seek to change the federal law requirement on ownership of nuclear waste, and our Committee is somewhat sympathetic with those who would like to change the federal law. In fact, we inquired of attorneys for Public the Advocates Office, for the Attorney General's Office, and the Authority Office, if it would indeed be helpful to change our state statute if in trying to fight the federal law, and we were sure it would not be all that helpful partially because such a suit would not really be ripe until 1996 under the Federal Low Level Radio Active Waste Amendments Act.

The second reason why we had such a strong vote in opposition to this legislation, was that if it were passed, it certainly would not help the State of Maine be able to have a Compact with other states. We have a temporary agreement for a contract with Beatty, Nevada, you may recall, which was approved by the voters last year, but we are still seeking a permanent Compact. Any change in the statutes as it is suggested here would be very harmful to that effort to secure a permanent disposal Compact. I would hope that you would vote now to go along with the Majority Report.

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

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

Senator GAUVREAU: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is with true respect that I acknowledge the massive amount of work that has been done by the good Senator from Kennebec, my colleague, Senator Kany, and her patriots on the Joint Standing Committee on Energy and Natural Resources. They have certainly demonstrated significant leadership and wisdom in crafting a reasonable policy in our state in areas affecting the disposal of radio active wastes.

I was asked by Representative Holt of Bath, to co-sponsor the legislation now before this body. As many of you are aware, we have other committee responsibilities that we attend to, and it certainly has been my case over the past week and a half.

I find myself this morning in a somewhat difficult situation. This morning I received a telephone communication from the Representative from Bath, Representative Holt, indicating that she was sick today, and unable to attend today's session. She brought to my attention the following concerns:

Section two of L.D. 2023 relates to liability concerns, and for the ownership of radio active waste. I am advised that apparently in earlier discussions regarding referencing on this legislation, there was an understanding reached at least by some parties that there would bifurcation.

The policy issues would, in fact, be assigned to the Joint Standing Committee on Energy and Natural Resources, and the liability issues would, in fact, be sent over to another committee in this legislature, the Joint Standing Committee on Judiciary. That information was brought to my attention this morning, and I have forwarded that information to Senator Kany of Kennebec.

Representative Holt did request that this item be Tabled One Legislative Day. That is why I have taken your time this afternoon to explain my somewhat unusual situation. As I stand before you, I would request some member of this body to extend a courtesy to the Representative from Bath, and have this matter Tabled One Legislative Day, so that we can resolve the reference issue. Thank You.

MR. PRESIDENT: The Chair recognizes the Senator the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President, Ladies and Gentlemen of the Senate. It is my understanding that the Judiciary Committee does indeed have a Bill before it, and if one word were different from the Bill to be killed here today, that certainly would be allowed under the Rules to pass.

I will also mention to of the good Senator from Androscoggin, Senator Gauvreau, that five members of the Energy and Natural Resources Committee serve on the Advisory Commission and Radio Active Waste, and just this week on Wednesday, once again, for the hundredth time, debated liability, liability, liability on nuclear waste. We are extremely familiar with that issue also, and if you really choose to go forward with the Bill in the Judiciary Committee, I am sure you can by changing one word or so from the original L.D. I urge you to go with the OUGHT NOT TO PASS Report at this time.

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

Senator GAUVREAU: Thank you Mr. President, Ladies and Gentlemen of the Senate. I have not in the time which has elapsed since the telephone communication from the Representative of Bath, had a chance to peruse the Section on the Joint Rules, governing disposition of Legislative matters, and therefore, I do not stand before you at this time with an informed opinion on whether the Joint Rules would in fact allow the Judiciary Committee to consider legislation it would have in the same general subject matter. It is difficult at this time to respond meaningfully to the comments of my good friend and colleague from Kennebec, Senator Kany. It would, however, seem to me to be prudent practice to determine what the actual effect of the joint rules would be before we take action on a matter before us at this time, since it may, and I would have to underscore the word may preclude further legislative deliberations in this area. Thank you.

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

Senate

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:

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Maintain Appropriate Residential Care to Clients of Pineland Center" (Emergency)

S.P. 867 L.D. 2217

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1990" (Emergency)

S.P. 875 L.D. 2237

Senator BALDACCI for the Committee on TAXATION on Bill "An Act to Exempt Chambers of Commerce from the Use Tax on Items Distributed to the Public Free of Charge"

S.P. 763 L.D. 1988

Senator BALDACCI for the Committee on TAXATION on Bill "An Act to Create Equity in the State Revenue Sharing and Education Subsidy Programs"

S.P. 853 L.D. 2187

Senator PRAY for the Committee on UTILITIES on Bill "An Act Relating to Interest Rate Swap Transactions by Public Utilities"

S.P. 755 L.D. 1980

Ought to Pass As Amended

Senator BOST for the Committee on UTILITIES on Bill "An Act to Preserve the Natural Values of Public Water Utility Lands"

S.P. 757 L.D. 1982

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-507).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-507) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Clarify the Time Frame in Municipal Law for Changing an Elected Position to an Appointed Position"

H.P. 1392 L.D. 1922

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (Emergency)

H.P. 1660 L.D. 2300

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Provide Written Notice to Creditors Under the Maine Probate Code"

H.P. 491 L.D. 671

(H "A" H-765 to C "A" H-758)

Bill "An Act to Regulate the Dumping of Dredged Materials in Maine Waters" (Emergency)

H.P. 1407 L.D. 1955

(H "A" H-759 to C "A" H-757)

Resolve, to Set Aside Space for a Memorial for Firefighters

H.P. 1414 L.D. 1966

(H "A" H-764 to C "A" H-756)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Bill "An Act Concerning Patient Access to Medical Records"

H.P. 1355 L.D. 1872

(C "A" H-754)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED, as Amended, in concurrence.

Senate

Bill "An Act to Amend the Laws Relating to the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association"

S.P. 844 L.D. 2163

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Maine Severance Pay Laws"

S.P. 714 L.D. 1891

(C "A" S-500)

Bill "An Act to Amend the Definition of Dealer Under the Used Car Information Laws"

S.P. 717 L.D. 1892

(C "A" S-505)

Bill "An Act to Allow Inclusion of Nonagricultural Products in the Quality Program"

S.P. 791 L.D. 2042

(C "A" S-502)

Resolve, to Study Threats to Maine Lakes (Emergency)

S.P. 841 L.D. 2160

(C "A" S-503)

Bill "An Act Concerning the Driving of Deer"

S.P. 842 L.D. 2161

(C "A" S-501)

Resolve, to Require the Office of Comprehensive Land Use Planning to Study Municipal Implementation of Manufactured Housing Laws

S.P. 845 L.D. 2164

(C "A" S-499)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Bill "An Act Authorizing Further Assessments for Public Advocate Participation in Workers' Compensation Insurance Rate Proceedings" (Emergency)

S.P. 802 L.D. 2050

(C "A" S-498)

Which was READ A SECOND TIME.

On motion by Senator THERIAULT of Aroostook, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-498).

On further motion by same Senator, Senate Amendment "A" (S-511) to Committee Amendment "A" (S-498) READ and ADOPTED.

Committee Amendment "A" (S-511), as Amended by Senate Amendment "A" (S-498) thereto, ADOPTED. Which was PASSED TO BE ENGROSSED, as Amended. Sent down for concurrence.

ORDERS OF THE DAY

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

An Act Relating to Computer Access
H.P. 462 L.D. 627
(C "A" H-748)

Tabled - February 14, 1990, by Senator CLARK of Cumberland.

Pending - ENACTMENT
(In House, February 12, 1990, PASSED TO BE ENACTED.)

(In Senate, February 7, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-748), in concurrence.)

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

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

Emergency

An Act Related to the State Board of Substance Abuse Counselors

S.P. 699 L.D. 1837
(C "A" S-483)

Tabled - February 14, 1990, by Senator CLARK of Cumberland.

Pending - ENACTMENT
(In House, February 12, 1990, PASSED TO BE ENACTED.)

(In Senate, February 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483).)

On motion by Senator BUSTIN of Kennebec, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-506) READ and ADOPTED.

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Amend the Minimum Standards for Planting Laws"

S.P. 923 L.D. 2332

Presented by Senator COLLINS of Aroostook
Cosponsored by Representative PINES of Limestone,
Representative TARDY of Palmyra and
Representative MARTIN of Van Buren

Which was referred to the Committee on AGRICULTURE and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Establish a Demonstration Project to Aid Homeless Persons"

S.P. 922 L.D. 2331

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

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

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator ERWIN for the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Reduce Hunting Related Accidents"

S.P. 840 L.D. 2159

Senator CARPENTER for the Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Property Tax Relief for Marine-related Industries

S.P. 793 L.D. 2044

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:

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Mutual Holding Company Law"

S.P. 710 L.D. 1887

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act to Promote Consumer Choice in Automobile Insurance"

S.P. 799 L.D. 2047

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act Relating to Contract Services" (Emergency)

S.P. 722 L.D. 1897

Senator TWITCHELL for the Committee on TRANSPORTATION on Bill "An Act Concerning the Motor Carrier Representative Agents"

S.P. 764 L.D. 1989

Ought to Pass

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers"

S.P. 843 L.D. 2162

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator GILL for the Committee on EDUCATION on Bill "An Act to Clarify Costs Associated with the Purchase of Land by School Administrative Units"

S.P. 181 L.D. 338

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-509).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-509) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Concerning Security Deposits on Propane Gas Deliveries" (Emergency)

H.P. 1684 L.D. 2330

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

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

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Further Clarify the Relationship Between Woodcutters and Landowners" (Emergency)

H.P. 1679 L.D. 2320

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

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

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

PAPERS FROM THE HOUSE
House Papers

Resolve, to Name the Route 223 Bridge in Caribou in Memory of Sergeant John Gagnon (Emergency)

H.P. 1683 L.D. 2329

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.

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

PAPERS FROM THE HOUSE
Study Report

Committee on JUDICIARY

The Committee on JUDICIARY to which was referred by the Legislative Council the Study Relative to Jurisdiction of the District Court and the Administrative Court, and the Relationship to the Jurisdiction of the Superior Court have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Court Jurisdiction Study"

H.P. 1682 L.D. 2328

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.

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

PAPERS FROM THE HOUSE
Pursuant to Resolves

COMMISSION ON MAINE'S FUTURE

The COMMISSION ON MAINE'S FUTURE, pursuant to Resolves 1987, Chapter 60 and Resolves 1989, Chapter 3, ask leave to submit its findings and to report that the accompanying Resolve, to Create the Task Force on Life-long Learning and Educational Choice

H.P. 1681 L.D. 2327

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

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve referred to the Committee on EDUCATION and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee of ENERGY AND NATURAL RESOURCES on Bill "An Act Establishing Ownership of and Liability for Nuclear Waste"

H.P. 1538 L.D. 2123

Majority - Ought Not to Pass

Minority - Ought to Pass

Tabled - February 16, 1990, by Senator CLARK of Cumberland.

Pending - Motion by Senator KANY of Kennebec to ACCEPT the Majority Ought Not to Pass Report.

On motion by Senator KANY of Kennebec, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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

Bill "An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students"

H.P. 882 L.D. 1226

(H "A" H-745 to C "A"

H-736)

Tabled - February 16, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION.

(In Senate, February 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "A" (H-745) thereto, in concurrence.)

(In House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "B" (H-781) thereto, in NON-CONCURRENCE.)

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

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

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator BOST of Penobscot, ADJOURNED until Tuesday, February 20, 1990, at 9 o'clock in the morning.