

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
March 2, 1990

Senate called to Order by the President.

Prayer by Reverend David Clark of the Pleasant Hill Free Baptist Church in Hollis.

REVEREND DAVID CLARK: Eternal God, to Whom all hearts are open, all desires known, we invoke Thy presence in this Chamber today. Thank Thee Father for the men and women who have accepted the responsibility of being leaders and decision makers in our State. May they always choose principal over expediency, selflessness over ego, righteousness over sin, and the common good over special interest. Infuse them with the passion for purity in their personal, family, and public lives, in order that the Senate may enjoy the wisdom, strength, and power which come from moral integrity. May the deliberations and decisions made today be used to view to bless the citizens of this great State. In Your name we pray. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums"

H.P. 1730 L.D. 2389

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 Institute the National Assessment of Educational Progress Program in Maine Schools"

H.P. 1722 L.D. 2381

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 Amend the State's Hazardous Materials and Underground Tank Installer Laws" (Emergency)

H.P. 1729 L.D. 2388

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.

Bill "An Act to Establish the International Commerce Council"

H.P. 1726 L.D. 2385

Comes from the House referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED.

Which was referred to the Committee on HOUSING AND ECONOMIC DEVELOPMENT and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Scheduled Drug Laws"

H.P. 1720 L.D. 2376

Bill "An Act to Reduce the Use of Marijuana and to Make Related Amendments to the Drug Laws"

H.P. 1721 L.D. 2377

Bill "An Act to Provide for Immediate Income Withholding and Periodic Review and Adjustment of Child Support Awards in Support Enforcement Cases of the Department of Human Services, to Provide an Expedited Process for the Commencement of Paternity Actions and to Provide for a Trial Preference for Paternity Actions"

H.P. 1732 L.D. 2391

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

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

Bill "An Act to Deorganize the Plantation of Prentiss in Penobscot County" (Emergency)

H.P. 1723 L.D. 2382

Bill "An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989" (Emergency)

H.P. 1727 L.D. 2386

Bill "An Act to Form a County Corrections Department for Cumberland County"

H.P. 1728 L.D. 2387

Come from the House referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.

Which were referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED, in concurrence.

Resolve, Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$650,000 for the Renovation of the Hill House County Building in Augusta (Emergency)

H.P. 1719 L.D. 2375

Reference to the 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 referred to the Committee on STATE AND LOCAL GOVERNMENT in NON-CONCURRENCE.

Sent down for concurrence.

Bill "An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation"

H.P. 1731 L.D. 2390

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

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

Bill "An Act to Amend the State Railroad Preservation and Assistance Act" (Emergency)

H.P. 1724 L.D. 2383

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 the Statutes

Committee on FISHERIES AND WILDLIFE

The Committee on FISHERIES AND WILDLIFE, pursuant to the Maine Revised Statutes, Title 12 section 7035, subsection 4, paragraph B, ask leave to submit its findings and to report that the accompanying Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1725 L.D. 2384

Be referred to the Joint Standing Committee on APPROPRIATIONS AND FINANCIAL 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 APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Joint Resolutions

The Following Joint Resolution: H.P. 1733

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO RECOGNIZE THE ACHIEVEMENTS OF WOMEN IN COMBAT POSITIONS

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 President and the Congress of the United States as follows:

WHEREAS, the 225,000 women serving in the Armed Forces of the United States comprise almost 11% of the total strength of the armed services; and

WHEREAS, the women who are now serving in the armed forces have sought and received assignments that are likely to expose many of them to hostile fire, such as serving in the military police and as helicopter pilots; and

WHEREAS, 771 female soldiers joined in the invasion of Panama and many of them participated in combat operations distinguishing themselves with valor; and

WHEREAS, many of the women carried full combat gear and participated in active engagement with Panamanian Defense Forces, but are nonetheless not entitled to receive a Combat Infantryman Badge because of Army regulations that limit the badge only to certain types of units; and

WHEREAS, it is equitable to ensure that when women soldiers are exposed to the same risks as their male counterparts they will receive the appropriate honors and credit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to direct the Department of Defense to change Army regulations so as to ensure that a Combat Participation Badge is available to all who face hostile fire, regardless of unit designation, and to take other action necessary in order that the women who distinguished themselves in the invasion of Panama are recognized with all appropriate honors; 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.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 947

114TH MAINE LEGISLATURE

March 1, 1990

Senator Barry J. Hobbins
Rep. 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 Paul K. Vestal, Jr. of Skowhegan for appointment as a member of the Maine Human Rights Commission.

Pursuant to Public Law 1988, Chapter 709, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and REFERRED To the Committee on JUDICIARY.

Sent down for concurrence.

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
March 1, 1990

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

The House voted today to adhere to its former action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Business Legislation on Bill "An Act Amending the Licensure Requirements for Plumbers" (S.P. 615) (L.D. 1710).

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

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333
February 28, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
State House Station 3
Augusta, Maine 04333
Dear Madam Secretary:

Please be advised that pursuant to my authority under M.R.S.A. Title 34-A, Section 1204, I have appointed Senator Beverly Miner Bustin to the Maine Correctional Advisory Commission. If you have any questions about this appointment, please let me know.

Sincerely,
S/Charles P. Pray
President of the Senate

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
STATE HOUSE STATION 38

AUGUSTA, ME 04333

COMMITTEE ON AGING, RETIREMENT AND VETERANS
February 28, 1990

February 28, 1990
Senator Charles P. Pray
President of the Senate
Office of the President
State House Station 3
Augusta, ME 04333

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

Dear President Pray:

Pursuant to 5 MRSA chapter 353, Section 6206-E, please find attached the Biennial Report of the Land for Maine's Future Board to the Joint Standing Committee on Energy and Natural Resources.

As you review the report, I believe you will find it to be a complete and thorough summary of the Board's acquisitions, its process and the expenditures from the bond fund.

Since the report was finalized for publication, the Board has voted to obligate \$380,000 to purchase the development rights to the Alice Wheeler Farm, a 306-acre working dairy farm within one half mile of Merrymeeting Bay in the towns of Richmond and Bowdoinham. This landmark involvement of the State in farmland preservation represents the ninth property to be acquired by the Board.

The Board believes the report is evidence of its success in meeting the legislative mandate of acquiring natural lands of state significance on behalf of the people of Maine.

Sincerely,
S/Richard H. Silkman, Chair
Land for Maine's Future Board

Which was READ and with Accompanying Papers, referred to the Committee on ENERGY AND NATURAL RESOURCES.

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 Aging, Retirement and Veterans has had under consideration the nomination of Grover B. MacLaughlin of Orono, for reappointment to the Maine State Retirement Board of Trustees.

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. Dellert of Gardiner

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 Grover B. MacLaughlin of Orono, for reappointment to the Maine State Retirement Board of Trustees be confirmed.

Sincerely,
S/Senator Bonnie L. Titcomb S/Rep. Daniel B. Hickey
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:
ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE HOUSE STATION #120
AUGUSTA, MAINE 04333

March 1, 1990

Honorable Charles Pray
President of the Senate
State House Station 3
Augusta, Maine 04333
Dear Senator Pray:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1989. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

The Advisory Commission's office is on the ground floor of the Maine State Retirement Building at the corner of Sewall and Capitol streets. The office telephone number is 289-3059. If no one answers (the staff is mostly part-time), our toll-free telephone number, 1-800-453-4013, is connected to a 24-hour answering machine. You are cordially invited to call whenever you or your constituents need information about radioactive waste management.

Sincerely,
S/Rep. James Mitchell
Chair
Advisory Commission on
Radioactive Waste

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

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE

SENATE PAPERS

Bill "An Act Concerning the Dismissal of Employees of a Corporation That Has Been the Subject of a Takeover"

S.P. 945 L.D. 2395

Presented by President PRAY of Penobscot
Cosponsored by Representative CLARK of
Millinocket and Representative MICHAUD of East
Millinocket

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

On motion by Senator CLARK of Cumberland, Tabled
Unassigned, pending REFERENCE.

Bill "An Act to Define Severance Pay Liability in
Business Combinations" (Emergency)

S.P. 946 L.D. 2396

Presented by President PRAY of Penobscot
Cosponsored by Representative CLARK of
Millinocket and Representative MICHAUD of East
Millinocket

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

On motion by Senator CLARK of Cumberland, Tabled
Unassigned, pending REFERENCE.

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 Implement the Final Report of the Commission on Maine's Future

S.P. 944 L.D. 2392

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.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE of the Report.

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 BUSINESS LEGISLATION on Bill "An Act Concerning the Application of Licensure Requirements for Counseling Professionals"

H.P. 1520 L.D. 2105

The Committee on EDUCATION on Resolve, to Create the Task Force on Life-long Learning and Educational Choice

H.P. 1681 L.D. 2327

The Committee on LABOR on Bill "An Act to Limit Apportionment of Workers' Compensation Liability"

H.P. 1354 L.D. 1871

Ought to Pass

The Committee on HUMAN RESOURCES on Bill "An Act Concerning Investigation of Allegations by the Office of Advocacy"

H.P. 1609 L.D. 2225

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.

The Committee on UTILITIES on Bill "An Act Allowing the Yarmouth Water District to Acquire the Assets and Liabilities of the North Yarmouth Water District" (Emergency)

H.P. 1665 L.D. 2305

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 Amend the Maine Agricultural Marketing and Bargaining Act of 1973"

H.P. 1574 L.D. 2181

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-828).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-828).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-828) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project" (Emergency)

H.P. 1509 L.D. 2089

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-823).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-823) 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 Provide for Increased Penalties for Land Use Violations within Certain Resource Protection Zones"

H.P. 1329 L.D. 1846

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-803).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-803).

Which Report was READ.

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

Senator KANY: Mr. President, Ladies and Gentlemen of the Senate. I just thought I would share with the Senate the recommendations of the Energy and Natural Resources Committee regarding lakes and shoreland zoning. This particular Bill is one of my favorites that has come out of Committee, and I wanted to inform you about this Bill. I am sure that many of you are getting questions from your constituents on what we are doing about the threats to Maine's lakes. This Bill came in to us as a request for increased penalties for violations that had occurred in the shoreland zone. The Committee digested the information from the Hearing, and decided to do something different as a result of the hearing and our own information that we had accumulated on the topic.

We decided that in this Bill, we are mandating mitigation when there are violations of shoreland zoning ordinances, that have to do with the cutting of vegetation or timber. The title of the Bill will be changed at subsequent readings, but I thought I should point this out to you because the content in substance is very different than what was originally proposed. In addition to mandating the mitigation, which we believe to be extremely important to capture the run off, so that people will not totally disregard the requirements in shoreland zoning, we also are making a daily penalty, without raising the dollar amount. This is one of the most important Bills from our point of view, and what we are doing to deal with the threats to our water quality in the State.

A second Bill will be going on the Appropriations Table today, unless you choose to do otherwise, and I hope that you will not choose to kill this Bill. It really is a major Commissioner Study on threats to Maine lakes. There are many topics that we believe very strongly, need to be addressed, and this year, particularly regarding those lakes that are currently

being used as water reservoirs for public drinking water supplies.

We have a third Bill that deals with Maine lakes that allow just the water utilities to seek an injunction to stop any violations that are occurring in a shoreland zone regardless of if the municipality wished to proceed with those violations.

Those are the three major measures that we are sending to you this year, regarding lakes, and the threat to water quality.

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-803) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Laws Concerning the Department of Human Services to Increase the Maximum Allowable Fine to \$50,000"

H.P. 1521 L.D. 2106

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-830).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-830) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend the Maine Human Rights Act to Prohibit Educational Discrimination on the Basis of National Origin"

H.P. 1360 L.D. 1877

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-825).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-825).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-825) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Improve Maine Occupational Safety and Health Provisions"

H.P. 1367 L.D. 1884

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-826).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-826).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-826) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Amend the Law Governing Family Medical Leave"

H.P. 1377 L.D. 1908

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-821).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-821).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-821) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Return Certain Positions within the Department of Mental Health and Mental Retardation to Classified Service under the Civil Service Law and to Establish Uniform Pay Schedules"

H.P. 1380 L.D. 1911

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-819).

Signed:

Senators:

BERUBE of Androscoggin

ESTY of Cumberland

CARPENTER of York

Representatives:

JOSEPH of Waterville

HEESCHEN of Wilton

ROTONDI of Athens

LARRIVEE of Gorham

CAHILL of Mattawamkeag

DAGGETT of Augusta

CURRAN of Westbrook

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Representatives:

BEGLEY of Waldoboro

WENTWORTH of Wells

MCCORMICK of Rockport

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-819) AS AMENDED BY HOUSE AMENDMENT "A" (H-849) thereto.

Which Reports were READ.

Senator BERUBE of Androscoggin, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

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

Senator BERUBE: Mr. President, Ladies and Gentlemen of the Senate. This Bill that you have before you is a compromised amendment that the Majority of the Committee agreed to, and as originally drafted the Bill would have returned all the physicians to classified service, presently they are unclassified. It would have resulted in a pay raise for those physicians who have chosen to stay within the Civil Service System. Under this Amendment, the physicians are restored to the bargaining units as unclassified employees. I would also add that the pay rate will remain frozen until such time as they decide to go into bargaining. This is basically how the Bill works. Thank you.

On motion by Senator BERUBE of Androscoggin, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED, in concurrence.

The Bill READ once.
 Committee Amendment "A" (H-819), READ
 House Amendment "A" (H-849) to Committee
 Amendment "A" (819) READ and ADOPTED, in concurrence.
 Committee Amendment "A" (H-819) to House
 Amendment "A" (H-849) thereto, ADOPTED, in
 concurrence.
 The Bill as Amended, TOMORROW ASSIGNED FOR SECOND
 READING.

Senate
 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:

Senator MATTHEWS for the Committee on LEGAL
 AFFAIRS on Bill "An Act Concerning Full Disclosure of
 Legislation-influencing Donations and Expenditures"
 S.P. 882 L.D. 2252

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 PERKINS for the Committee on
 APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act
 to Appropriate \$90,000 for Testing of Low-level
 Nuclear Waste in Greenbush"
 S.P. 724 L.D. 1899

Senator HOLLOWAY for the Committee on JUDICIARY
 on Bill "An Act Concerning Representation of
 Nonprofit Corporations by Corporate Employees and
 Officers"
 S.P. 874 L.D. 2236

Ought to Pass As Amended

Senator HOBBS for the Committee on JUDICIARY on
 Bill "An Act to Promote and Assist Barrier-free
 Construction in Places of Public Accommodation and
 Places of Employment"
 S.P. 733 L.D. 1932

Reported that the same Ought to Pass as Amended
 by Committee Amendment "A" (S-536).
 Which Report was READ and ACCEPTED.
 The Bill READ ONCE.
 Committee Amendment "A" (S-536) 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 Ensure that Mobile Home Park
 Operators are Informed of Habitability Problems"
 H.P. 1560 L.D. 2166
 Which was READ A SECOND TIME and PASSED TO BE
 ENGROSSED, in concurrence.

Bill "An Act to Ensure the Effective Use of
 Grants in the Office of the State Archivist"
 H.P. 1624 L.D. 2246
 Which was READ A SECOND TIME.
 On motion by Senator CLARK of Cumberland, Tabled
 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

House As Amended

Bill "An Act Concerning Geographic Isolation
 Grants"

H.P. 1305 L.D. 1805
 (C "A" H-806)

Bill "An Act to Clarify the Succession of Estates
 under the Maine Probate Code"

H.P. 1353 L.D. 1870
 (C "A" H-816)

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

Senate As Amended

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

S.P. 830 L.D. 2138

Bill "An Act Allowing Affected Citizens to Sue
 for Injunctive Relief Regarding Lake Water Quality"

S.P. 858 L.D. 2194
 (C "A" S-535)

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

Sent down for concurrence.

ENACTORS

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

An Act Concerning Burials in the Maine Veterans'
 Memorial Cemetery

H.P. 1314 L.D. 1816
 (H "A" H-789)

An Act Concerning Patient Access to Medical
 Records

H.P. 1355 L.D. 1872
 (C "A" H-754)

An Act to Amend the Maine Severance Pay Laws

S.P. 714 L.D. 1891
 (C "A" S-500)

An Act to Allow Medical Testing without Physician
 Referral

H.P. 1395 L.D. 1925
 (C "A" H-785)

An Act to Clarify the Term of Certificates of
 Authorization under the Workers' Compensation Act

H.P. 1420 L.D. 1972
 (C "A" H-777)

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

S.P. 791 L.D. 2042
 (C "A" S-502)

An Act to Require Telecommunications Services in
 Public Places for Hearing Impaired Persons

H.P. 1490 L.D. 2063
 (C "A" H-783)

An Act to Clarify Mobile Home Tenants' Rights

H.P. 1499 L.D. 2076
 (C "A" H-776)

An Act Prohibiting Membership in a Trade or
 Similar Association from Being a Condition for
 Licensing or Certifying a Producer's Food as Natural
 or Organic

H.P. 1522 L.D. 2107
 (C "A" H-780)

An Act to Regulate Food Salvage Operations

H.P. 1536 L.D. 2121
 (S "A" S-515 to C "A"
 H-767)

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

An Act to Increase Death Benefits under the Workers' Compensation Act

H.P. 1363 L.D. 1880
(C "A" H-786)

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

An Act Regarding Continuing Education for Administrators of Boarding Homes

H.P. 1374 L.D. 1905
(C "A" H-784)

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

An Act to Allow State Employees and Teachers to Buy Back Time Spent in Certain Programs

S.P. 787 L.D. 2033
(C "A" S-496)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-496).

On further motion by same Senator, Senate Amendment "A" (S-541) to Committee Amendment "A" (S-496) READ and ADOPTED.

Committee Amendment "A" (S-496), as Amended by Senate Amendment "A" (S-541) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

On motion by Senator BUSTIN of Kennebec, Tabled 1 Legislative Day, pending ENACTMENT.

Resolve

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

Emergency

An Act to Create the Maine Family Development Foundation

H.P. 1226 L.D. 1698
(C "B" H-787)

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

Emergency

An Act Authorizing Further Assessments for Public Advocate Participation in Workers' Compensation Insurance Rate Proceedings

S.P. 802 L.D. 2050
(S "A" S-511 to C "A" S-498)

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 Regarding Growth Management

H.P. 1505 L.D. 2085
(C "A" H-790)

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

Emergency

An Act to Encourage Farming in Maine

H.P. 1593 L.D. 2206
(C "A" H-779)

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 Resolve

Resolve, to Study Threats to Maine Lakes

S.P. 841 L.D. 2160
(C "A" S-503)

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

Emergency Resolve

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

H.P. 1688 L.D. 2338

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

ORDERS OF THE DAY

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

Bill "An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded"

H.P. 250 L.D. 362
(C "A" H-813)

Tabled - March 1, 1990, by Senator GAUVREAU of Androscoggin.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In House, February 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813).)

(In Senate, March 1, 1990, READ A SECOND TIME.)
On motion by Senator GAUVREAU of Androscoggin, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

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

Bill "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs"

S.P. 277 L.D. 723

Tabled - March 1, 1990, by Senator CLARK of Cumberland.

Pending - ADOPTION of Committee Amendment "B" (S-519)

(In Senate, February 27, 1990, the OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill READ ONCE. Committee Amendment "B" (S-519) READ.)

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-537) to Committee Amendment "B" (S-519) READ and ADOPTED.

Committee Amendment "B" (S-519), as Amended by Senate Amendment "A" (S-537) thereto, ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

NOMINATION: of Grover B. MacLaughlin of Orono, for reappointment to the Maine State Retirement Board of Trustees.

Tabled - March 2, 1990, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, March 2, 1990, Communication from the Committee on AGING, RETIREMENT AND VETERANS READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on Aging, Retirement and Veterans has recommended the nomination of Grover B. MacLaughlin of Orono be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Aging, Retirement and Veterans 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 Grover B. MacLaughlin, 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:

SENATE PAPERS

Bill "An Act to Ensure Timely and Equitable Treatment of Discrimination Complaints Made to the Maine Human Rights Commission"

S.P. 948 L.D. 2399

Presented by Senator CLARK of Cumberland
Cosponsored by Senator GAUVREAU of Androscoggin,
Representative HANDY of Lewiston and
Representative PINEAU of Jay
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

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:

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 Resolve, to Support a Study on Gender Bias in the Maine Courts (Emergency)

S.P. 776 L.D. 2003

Ought to Pass As Amended

Senator BUSTIN for the Joint Select Committee on CORRECTIONS on Bill "An Act to Increase Eligibility for Imprisonment with Intensive Supervision"

S.P. 822 L.D. 2098

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-539).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-539) 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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information"

S.P. 889 L.D. 2265

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-540).

Signed:

Senators:

GAUVREAU of Androscoggin
TITCOMB of Cumberland

Representatives:

MANNING of Portland
PENDLETON of Scarborough
PEDERSON of Bangor
BURKE of Vassalboro
CLARK of Brunswick
BOUTILIER of Lewiston
DELLERT of Gardiner
CATHCART of Orono
HEPBURN of Skowhegan

The Minority of the same Committee on the same subject reported that the same Ought Not to Pass.

Signed:

Senator:

RANDALL of Washington

Representative:

ROLDE of York

Which Reports were READ.

On motion by Senator GAUVREAU of Androscoggin, the Majority OUGHT TO PASS AS AMENDED by Committee Amendment "A" (S-546) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (S-540) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMUNICATIONS

The Following Communication: S.P. 949

114TH MAINE LEGISLATURE

March 2, 1990

Senator Barry J. Hobbins

Rep. 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 following:

Pursuant to Title 39, MRSA Section 91, Ronald L. Vigue of Berwick for appointment as a member of the Workers' Compensation Commission.

Pursuant to Title 4, MRSA Section 157, Leigh I. Saufley of Yarmouth for appointment as Judge, Maine District Court.

Pursuant to Title 7, MRSA Section 1, Honorable Margaret J. Kravchuk of Bangor for appointment as Justice, Maine Superior Court.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate
S/John L. Martin
Speaker of the House

Which was READ and REFERRED To the Committee on JUDICIARY.

Sent down for 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 Clarify the Process by Which the Board of Environmental Protection Regulates the Discharge of Toxic Substances to the State's Surface Waters"

H.P. 1735 L.D. 2394

Bill "An Act Concerning Private Wells Contaminated by Hazardous Substances" (Emergency)

H.P. 1736 L.D. 2397

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Carrying of Firearms and Firearms Safety Programs"

H.P. 1737 L.D. 2398

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

Which was referred to the Committee on LEGAL AFFAIRS 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 Amend the Charter of the Van Buren Water District" (Emergency)

H.P. 1734 L.D. 2393

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

On motion by Senator BOST of Penobscot, ADJOURNED in memory of former Representative Ethel Baker of Orrington, until Monday, March 5, 1990, at 12:00 in the afternoon.