

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
 Tuesday
 March 6, 1990

Senate called to Order by the President.

Prayer by Reverend Joseph Brown of the Assembly of God Church in Thomaston.

REVEREND JOSEPH BROWN: Shall we pray. It is with Thanksgiving, O God, I come before you this morning, to open this business session of this Senate with prayer to You. Lord, as a nation under God, we as people feel so blessed and benefited by the fact You want us to come to You, and You want to be involved in our life, as well as our work, and it has been considered of great importance by our State that You be invited each day to help these elected officials.

I therefore pray for each member of this august body, and that the sincere petition given on their behalf will be heard and answered according to Your divine will. They are Your ministers, and You have exhorted that prayer and supplication, intercession, and giving of thanks, be made first of all to those that are in authority, for Heads of State, for Rulers, and for those whose of high responsibility. You call them, Lord, Ministers of God, to the people, for good, so that the people may lead a quiet and peaceful life in godliness, as well as in honesty. And so Lord, I pray, as a minister for another, that you give to each one ears to hear, eyes to see, and hearts to understand. Grant Lord that they hear not only the special interest paid lobbyist, but they will also listen to the common people, who hurt not only in their pocketbook, but in many other areas. Grant Lord each to see beyond their own parties platforms and philosophies. In work and compromising cooperation by a bipartisan effort, of what is right, and just, and fair, for the good of the people, and not just the party.

O God, give to each one, a heart that can feel the pulse of the people, the peasant as well as the nobles, for so often, Lord, when it doesn't touch us, or come near our yard, we understand so little. Get us all back to the grass roots, Lord, of what it means to be really in touch. For we cannot minister, we cannot serve effectively, without knowing, for to You, Lord, belongs wisdom, and discretion, and knowledge, as well as courage, and foresight. So pour into their constitution, more of the virtue of moral influence that many already have, and may each day there be an exhibition of the truthfulness of their profession.

Lord, let no one have cause to doubt their calling, their position, that they debated, and stood for, after the votes have been recorded. Lord, we pray, that their term will be a reflection of truth, and honesty, and upright convictions, which they have believed in and held, in a straight-forward way throughout their term. Let Your blessing rest upon this session, Your anointing be their portion, this we ask in the name of our Lord and Savior, Jesus Christ, Amen.

Reading of the Journal of Monday, March 5, 1990.

Senate at Ease
 Senate called to order by the President.

Off Record Remarks

COMMUNICATIONS

The Following Communication:
 STATE OF MAINE
 HOUSE OF REPRESENTATIVES
 AUGUSTA 04333

March 5, 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 on Bill "An Act to Improve Credit Reporting" (S.P. 767) (L.D. 1992).

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

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House
 Leave to Withdraw

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

The Committee on HUMAN RESOURCES on Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program"

H.P. 1596 L.D. 2208

Ought to Pass As Amended

The Committee on LABOR on Bill "An Act Regarding Written Notice to Employees of Layoff or Termination" H.P. 1577 L.D. 2184

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-827).

Comes from the House, with the Report READ and ACCEPTED and the Bill FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED.

Which Report was READ.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you. Mr. President, Ladies and Gentlemen of the Senate. I would request that a member of the Labor Committee explain this Bill, H.P. 1577 L.D. 2184, before us, before we vote to accept the Committee Report. Thank you.

MR. PRESIDENT: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who may care to respond.

Senator CLARK of Cumberland, moved to Table 1 Legislative Day, pending ACCEPTANCE of the Report.

Senate at Ease

Senate called to order by the President.

Senator CLARK of Cumberland requested and received Leave of the Senate to withdraw her motion to Table 1 Legislative Day, pending ACCEPTANCE of the Report.

On motion by Senator Clark of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE of the Report.

Senate

Ought to Pass

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act Addressing Consecutive Terms of Imprisonment Involving Probation"

S.P. 902 L.D. 2296

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill LATER TODAY ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator DUTREMBLE for the Committee on HOUSING AND ECONOMIC DEVELOPMENT on Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development

S.P. 607 L.D. 1701

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-551).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "B" (S-551) READ and ADOPTED. The Resolve as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Clarify the Maine Juvenile Code"

S.P. 823 L.D. 2099

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-550).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-550) READ and ADOPTED. The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Implement Changes for the Deferred Collection of Homestead Property Taxes"

H.P. 1620 L.D. 2242

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

House As Amended

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

H.P. 744 L.D. 1027

(C "B" H-829)

Bill "An Act to Ensure that Child Support Payments Benefit the Family"

H.P. 1001 L.D. 1390

(C "A" H-847)

Bill "An Act Regarding Excepted Employees of the Judicial Department" (Emergency)

H.P. 1325 L.D. 1827

(C "A" H-854)

Bill "An Act to Correct the Subdivision Laws"

H.P. 1357 L.D. 1874

(C "A" H-843)

Bill "An Act to Make Improvements in the Operation of the Judicial Department of the State"

H.P. 1382 L.D. 1913

(C "A" H-848)

Bill "An Act to Further Facilitate the Conversion of the Records of the Maine State Retirement System to an Automated System"

H.P. 1383 L.D. 1914

(H "A" H-850 to C "A" H-838)

Bill "An Act to Amend the Laws Affecting the Operations of the Bureau of Corporations, Elections and Commissions"

H.P. 1388 L.D. 1918

(C "A" H-833)

Bill "An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid"

H.P. 1398 L.D. 1934

(H "A" H-861 to C "A" H-831)

Resolve, to Require a Comprehensive Study to Equalize Maine State Retired Teachers Health Insurance Premium Payments (Emergency)

H.P. 1471 L.D. 1969

(C "A" H-839)

Bill "An Act to Protect Consumer Privacy by Regulating Automated Telephone Solicitations"

H.P. 1421 L.D. 1973

(C "A" H-835; H "A" H-855)

Bill "An Act to Protect Consumers Against Unsolicited Telefacsimile Transmissions"

H.P. 1423 L.D. 1975

(C "A" H-845)

Bill "An Act Concerning Trafficking in Prison Contraband"

H.P. 1453 L.D. 2027

(C "A" H-846)

Bill "An Act to Establish the Wells Reserve Management Authority"

H.P. 1457 L.D. 2031

(C "A" H-853)

Bill "An Act to Strengthen Drug Abuse Treatment for Children of School Age"

H.P. 1504 L.D. 2084

(C "A" H-840)

Bill "An Act to Enforce Reasonable Use of Sirens on Emergency Vehicles"

H.P. 1507 L.D. 2087

(C "A" H-837)

Bill "An Act to Amend the Operating-under-the-influence Laws"

H.P. 1535 L.D. 2120

(C "A" H-834)

Bill "An Act to Amend the Laws Governing the Military and Naval Children's Home"

H.P. 1610 L.D. 2226

(C "A" H-842)

Bill "An Act to Provide Greater Compliance with General Assistance Laws"

H.P. 1617 L.D. 2239

(C "A" H-841)

Bill "An Act to Discourage Public Competition with Private Enterprise"

H.P. 1626 L.D. 2248

(H "A" H-856 to C "A" H-832)

Bill "An Act to Aid in the Enforcement of Crimes Relating to Forest Fire Control"

H.P. 1654 L.D. 2290

(C "A" H-844)

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

Bill "An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Buses" (Emergency)

H.P. 1462 L.D. 2039
(C "A" H-817)

Which was READ A SECOND TIME.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. I would request that this Bill be Tabled until Later in Today's Session, pending Amendment.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket" (Emergency)

S.P. 746 L.D. 1950
(C "A" S-547)

(See Action Later Today)

Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System"

S.P. 751 L.D. 1959
(C "A" S-542)

Bill "An Act to Require That Certain 3rd-party Prescription Drug Programs Be Subject to the Provisions of the Appropriate Preferred Provider Arrangement Act"

S.P. 816 L.D. 2080
(C "A" S-543)

Resolve, Authorizing the Director of the Bureau of Public Improvements to Sell the Maine Criminal Justice Academy Campus in Waterville, Maine

S.P. 872 L.D. 2234
(C "A" S-548)

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

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
(C "A" S-536)

Tabled - March 5, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED

(In Senate, March 5, 1990, READ A SECOND TIME.)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

An Act Regarding the Availability of Insurance Loss Information

H.P. 1318 L.D. 1820

(C "A" H-800)

Tabled - March 5, 1990, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In Senate, February 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-800), in concurrence.)

(In House, March 2, 1990, PASSED TO BE ENACTED.)

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

Off Record Remarks

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Establish the Department of Child and Family Services" (Emergency)

H.P. 1199 L.D. 1666

Majority - Ought to Pass as Amended by Committee Amendment "C" (H-820).

Minority - Ought Not to Pass.

Tabled - March 5, 1990, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 5, 1990, Reports READ.)

(In House, March 2, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820).)

Senator BERUBE of Androscoggin moved to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

At the request of Senator CLARK of Cumberland, a division was had. 13 Senators having voted in the affirmative and 18 Senators having voted in the negative the motion of Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

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

Senator BERUBE: Mr. President, Ladies and Gentlemen of the Senate. May I request a roll call please and speak?

THE PRESIDENT: The Chair would inform the Senator that he has already announced the vote.

The President moved ACCEPTANCE of the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

At the request of Senator WEBSTER of Franklin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to share with you Ladies and Gentlemen, my reasons for voting the Ought Not To Pass Report.

If I sincerely thought the creation of a new Department would help elevate the problems, or improve the delivery of services to the children of this state, I certainly would have supported the Report.

The Bill does not deal at all with direct services to those unable to access them. In my view, this new level of bureaucracy will do nothing to elevate the actual problems that may exist. Unless, and very importantly, unless, we allocate the necessary monies to do so, and this Bill does not do that.

Here is what the Bill does. Last year there was a Bill L.D. 1666, the original Bill which had five

pages. This new amended version has nine and one-half pages. The original Bill referred to, and I quote, "The need to provide services to families and children." This redraft, an amended version, instead refers to, and I quote, "Human development of families and children," language which is verbatim, is taken from the newly restructured Human Development Resources Commission, which is entirely separate from any services dealing with children.

My second reason is that it sets up a Department with a Commissioner and a secretary. No office, no rental, no computers, no telephone, no travel expense, and on and on and on. But they are planning to spend a \$123,000 for one Commissioner and his secretary. Maybe it could be a "her" secretary, I don't know, but it appears to be a "his" secretary right now. This Bill says that the Commissioner is to be hired not before January, 1991, and I ask why is that?

In the interim the Development Commission would guide the implementation of this legislation and they would work out a plan, and further, and I quote from the Bill in front of me, "When the Commissioner is sworn in, sometime in 1991, the committee and Commissioner shall continue developing a plan." No mention of better services, nothing like that. It also adds that when the Department is fully established that necessary budget adjustments will be made on February 1, 1992, through 1993. No mention of cost, no mention of number of staff. It seems to me with no price tag, no operational costs, no management structure plan, that we should first allocate funding for those items. But we should know what those items should be, what is the managements structure going to be.

You all remember three years ago that in this Chamber, we voted for the creation of a new Department called, The Maine Vocational Institutes System, and at that time it was going to be the panacea for all that was not right with the Vocational Technical Institutes, and we allocated \$305,000. Within a few short months, and the Chairman of Appropriations remembers that very well, they came before the Appropriations Committee and requested \$900,000, they could not even pay the rent with \$305,000, or barely.

The budget for that new bureaucratic system, which in the eyes of some may not be what it was supposed to be, because there was a Bill to do away with that, I think, this year or last year, is 2.1 million dollars.

What I am saying is that before we allocate or set up a new Department, let's see what it is going to do. I do not question the need to streamline a bureaucracy, I of all people would want to see that. I do question the timing, particularly when we are told that the cupboard is dry. There is a budget crisis, there is no money. And it seems to me if we can find \$123,000 for a two person staff, than how can we in good conscience deny the funding for the elderly clients waiting now on a waiting list for Meals on Wheels and Home Based Care, we haven't got a penny for that!

At a town meeting last Saturday, a social worker approached me and asked me about the Department Bill, and I said I voted against the creation of the new Department, because I thought there would be some other way we could address that, an office, or whatever. And he said to me, we don't need another layer of bureaucracy, give me case workers! How many caseworkers could you buy for \$123,000, a few at least.

My question is, I got some more responses this morning, and I read every one carefully, because most

of the people are writing notes, if you have noticed on your questionnaire. They underline, and as the lines get longer, the pen gets harder and firmer, because they are angry, and many of them are saying cut the bureaucracy. They say cut something else, too, but cut the bureaucracy! We do not need any more of that, give us the services!

So it seems to me that before embarking on this new expanded program, we should get a feasibility study, not of need, but of cost and organizational structure.

Once this is known, than we can probably fund it, and proceed accordingly to give services to the children of the state. And finally I would say that we should look at what is for the good of the people of the state, not is what is good for political expediency, or pride of authorship, let's get together and work out some sort of compromise that will indeed deliver better and quicker services to the children of the state. Thank you for your attention.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. We all recognize that there are some problems in administering services for children, but this Bill is not the answer. When the State of Maine is compared with other states for it's quality of child services, we rank in the top ten. Five states that have a Department of Children, rank below Maine in their quality of service.

This issue has been unjustly divided down party lines, and it shouldn't be, we are all deeply concerned for the welfare of our children. Remember, both Democratic Congressman, Joseph Brennan, and Republican Governor, John McKernan, supported a Department of Children before they became Governor. But after taking office, they realized that the cost to create and staff a new department was overwhelming. That and other serious concerns changed their minds.

If we pass this Bill, we would be putting a motion before reason. The recent beating death of a foster child has stunned all of us. Anytime defenseless children are victims, we all suffer a loss. But this Bill would not have prevented that death. This Bill would not make that pain go away. This Bill will not stop cruel, sick, and thoughtless adults from harming children. The state has other more efficient and more practical options. Among them is an Office of Children that would provide policy, and direction to all the Departments dealing with children and families. The cost of this smaller scale consolidation would be reasonable, and not disrupt existing services. By keeping the administrative costs down, we can direct any new funds that may come to actually serve the children. We all want what is best for the children of this State of Maine, and creating a new State Department is not the best way to serve their needs. Thank You.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to support the creation of the new Department because although Maine may be doing fairly well in comparison with other states on the services they are providing children, we are not doing good enough! We are not doing a good enough job!

We are all familiar with cases of young people who have fallen through the cracks, whether it be a hard of hearing or deaf young person that is not getting emotional counselling necessary. We are

familiar with cases of suicide, we have read of the studies of those troubled young people who went on to perform deeds unacceptable by society, who perhaps if there had been a focus on children, would have been able to mature into responsible adulthood. We all know too many young people who have dropped out of school, way too many. We know too many teens who have become parents before they were ready. It just seems to me that we as a society, know that we should be responsible for our young, and we create laws for our young, very different from those of adults over 18. It is entirely appropriate for us finally to have a Department focusing on our children and our families.

I can remember through the years serving with a number of you on committees, and we finally decided after two years to get through a separate Department of Corrections, because we believed that it was absolutely necessary to focus on Corrections. We needed a Cabinet Level position and a Department. It took sometime to get there, but we are satisfied with that, and I have heard of no move to return to the old way.

I remember serving with a number of you when we formed our VTI system, we moved from the old system in which the VTI, the Vocational Technical Institutes, were under the Department of Education, and they were lost there. We formed a separate department for the VTI's, which are now colleges. Although some might choose to have them join our other higher education or university system, no one is suggesting that they be folded back into the Department of Education.

We believe, generally, as a legislature, that we need that important focus on Vocational Technical Education. We have seen other changes, we have combined a lot of loan programs into FAME, because it needed that focus. When Governor Curtis was in office, we had a Department of Economical Development, which was really a Department of Economical and Community Development. Under Governor Longley, he preferred basically the Economic Development Arm, so we had just a State Development Office. Now, we once again have a Department of Economic and Community Development to focus on bringing the economic development and community needs together. Certainly, we have recognized those needs, and we have dealt with them, by forming departments that made sense, cabinet level, there those functions could be truly coordinated, not just in an inner departmental way. And certainly the needs of our children rise to that level of requiring a department, a cabinet level department, to focus on the needs of our young.

I strongly support the development of this Department and I urge you to do the same. Thank you.

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

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. The purpose of this Bill before us today, is number one, to coordinate the services that are being provided to children presently. Secondly, the purpose of this Bill was to streamline the efforts that are being made, so that we could reduce the duplication of bureaucratic costs. In fact, the fiscal note that had been attached to this Bill says that costs would be reduced by \$400,000 because of the savings provided by this Bill. The Bill provides an organized planning approach to setting up this Department, that is, in fact, conducive to compromises that have been referred to. I am rising in support of this Bill and I hope everyone supports it today.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today to ask you to vote against the acceptance of this L.D. I want it to be known, less it be construed, that as I ask you to vote against this L.D., that I am voting against children, or I am voting against motherhood, or I am voting against fatherhood, or I am voting against family units. When I ask you to vote against this piece of legislation as written, I would like to have it made crystal clear, that I am committed to focusing on children, and my legislative record would show that. I think probably I have sponsored more human need issues in the legislature, excepting my seatmate, we vie for this, as we have through the years. I have been accused at various times of sponsoring more legislation with cost dealing with children and families and human needs during my legislative career, so I want to make it clear that as I ask you to vote against this particular measure, I ask you because I think that it is poorly written, and it doesn't address what we really want to address.

This issue is not a new issue for me, I had proposed a Department of Children several years ago. In fact, before Governor McKernan took office, I had discussions with him about the possibility of a Department of Children. It seemed that he was going in that same direction, so I took it upon myself, as many of you know, I chaired the Eastern Regional Conference of State Government a few years back. I solicited their help in pulling together some information about the various states, and who had Departments of Children, and what the various functions and missions were of those Departments. At that time, I found that out of the ten northeast states in the region, that come under the Eastern Regional Council of State Governments, only four had Departments of Children. I looked at the various missions of those Departments, and looked at how they were set up, and I must say that some of them were set up and cost a lot more than anyone ever expected.

The little old State of Rhode Island, for instance, their Department of Children and Families, when it was originally set up, their annual budget was \$50 million dollars. So when someone brings a piece of legislation, and we are going to deappropriate funds, to set up this Department, it is not going to be a cost, but a saving, I can't agree with that. Because I know that as we coordinate services to children and their families, what we are going to do is have an outreach program side effect take effect, and we are going to have programs and services be used, that probably we haven't seen before, which is good, because we need them.

As Senator Kany from Kennebec spoke, she indicated that people have fallen through the cracks, and that is true, and that is why I think that a lot of people in both Chambers are anxious to have some coordinated effort for children's programs and children's services.

There are, in Rhode Island, at the point that I picked this information up, there were six to seven hundred staff employed by the agency. Now that is a far cry from a deappropriation a handful of people, from the various Departments in our State of Maine.

I feel strongly about direct services to children, and the money being expended to provide those programs and services to those children. I do not see where this particular Bill is going to do that. I think it sets up a bureaucracy, there is something in the offing which I hope will better address this issue, but I don't see that putting money into a Department and setting up a bureaucracy

is going to necessarily serve the functions of the children of this state.

I know that in the last couple of days there have been some discussions going on in the halls, and we have heard from the Coalition of Maine's Children, and I am not sure they always represent all the service people in the State of Maine, who are providing services to children. I know a lot of us know Bob Freitz, and I am not sure he represents all of the service providers, and the people who we like to talk about as we develop this office, or whatever coordination effort we are going to put forth. When they talk about a management system, I am not sure who was involved a management study, to see how services should be provided, who they should be provided to, what services should be provided, and at what costs these services are going to be provided. There is a awful lot of work that has not yet been done with this piece of legislation, and that is why I am speaking against it. I think that there is another approach to take, I think this is a poor set up, and I would ask you to vote against it.

Off Record Remarks

On motion by Senator DUTREMBLE of York, RECESSED until 4:00 this afternoon.

After Recess
Senate called to order by the President

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, ordered sent down forthwith for concurrence.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: H.P. 1746
STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE 04333

February 26, 1990
Honorable John L. Martin
Speaker of the House
114th Maine State Legislature
State House Station #2
Augusta, Maine 04333

Dear Mr. Speaker:
In accordance with the provisions of Title 30, Section 253 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1990.

They are as follows:

Aroostook
Franklin
Hancock
Knox
Lincoln
Oxford
Penobscot
Piscataquis
Sagadahoc
Somerset
Waldo
Washington
York

Respectfully,

S/G. William Diamond
Secretary of State

Comes from the House READ and referred to the Committee on STATE AND LOCAL GOVERNMENT.

Which was READ and REFERRED to the Committee on STATE AND LOCAL GOVERNMENT, in concurrence.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
March 5, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Walter H. Foster, Jr. of East Holden, for reappointment to the Maine Real Estate Commission.

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

YEAS: Senators 3
Representatives 9

NAYS: 0
ABSENT: 1 Rep. Marston of Oakland

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 Walter H. Foster, Jr. of East Holden, for reappointment to the Maine Real Estate Commission be confirmed.

Sincerely,

S/Senator John E. Baldacci S/Rep. Carol M. Allen
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
March 5, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Hobart F. Harnden of South Portland, for reappointment to the Maine Real Estate Commission.

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

YEAS: Senators 3
Representatives 9

NAYS: 0
ABSENT: 1 Rep. Marston of Oakland

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 Hobart

F. Harnden of South Portland, for reappointment to the Maine Real Estate Commission be confirmed.

Sincerely,
S/Senator John E. Baldacci S/Rep. Carol M. Allen
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
March 5, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Franklin Howe of Bath, for appointment to the Maine Real Estate Commission.

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

YEAS: Senators 3
Representatives 7
NAYS: 0
ABSENT: 3 Rep. Marston of Oakland, Rep. Sheltra of Biddeford, Rep. Constantine of Bar Harbor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Franklin Howe of Bath, for appointment to the Maine Real Estate Commission be confirmed.

Sincerely,
S/Senator John E. Baldacci S/Rep. Carol M. Allen
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
March 5, 1990

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 114th Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Sharon A. Millett of Poland Springs, for reappointment to the Maine Real Estate Commission.

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

YEAS: Senators 3
Representatives 9
NAYS: 0

ABSENT: 1 Rep. Marston of Oakland
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 Sharon A. Millett of Poland Springs, for reappointment to the Maine Real Estate Commission be confirmed.

Sincerely,
S/Senator John E. Baldacci S/Rep. Carol M. Allen
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

COMMITTEE REPORTS
House
Leave to Withdraw

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

The Committee on JUDICIARY on Bill "An Act Concerning the Uniform Rights of the Terminally Ill Act"

H.P. 1653 L.D. 2286

Ought to Pass
The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Maine Liability Risk Retention Act"

H.P. 1669 L.D. 2310

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 EDUCATION on Bill "An Act to Increase the Effectiveness of the Handicapped Parking Laws"

H.P. 1472 L.D. 2057

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-862).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-862).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-862) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act Allowing Day Care Centers to Use Cloth Diapers"

H.P. 1347 L.D. 1864

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-863).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-863).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-863) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code" H.P. 1606 L.D. 2219

Reported that the same Ought to Pass.

Signed:

Senator:

HOBBINS of York

Representatives:

ALLEN of Washington

SHELTRA of Biddeford

GRAHAM of Houlton

CONSTANTINE of Bar Harbor

GURNEY of Portland

MARSTON of Oakland

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

Signed:

Senator:

WHITMORE of Androscoggin

Representatives:

TELOW of Lewiston

LIBBY of Kennebunk

STEVENS of Sabattus

REED of Falmouth

(Senator BALDACCI of Penobscot Abstained)

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

On motion by Senator BALDACCI of Penobscot, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

Senate

Ought to Pass As Amended

Senator TWITCHELL for the Committee on AGRICULTURE on Resolve, to Establish the Commission to Study the Harness Racing Industry (Emergency)

S.P. 781 L.D. 2022

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-556).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-556) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Resolve, to Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (Emergency)

S.P. 496 L.D. 1370

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-552).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "B" (S-552) READ and ADOPTED.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator LUDWIG for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the Development of Spaghetti-lot Subdivisions" (Emergency)

S.P. 899 L.D. 2289

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-553).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-553) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137

Reported that the same Ought to Pass.

Signed:

Senator:

ANDREWS of Cumberland

Representatives:

CASHMAN of Old Town

SWAZEY of Bucksport

NADEAU of Saco

DUFFY of Bangor

DORE of Auburn

TARDY of Palmyra

DIPIETRO of South Portland

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

Signed:

Senators:

BALDACCI of Penobscot

EMERSON of Penobscot

Representatives:

SEAVEY of Kennebunkport

WHITCOMB of Waldo

JACKSON of Harrison

Which Reports were READ.

Senator BALDACCI of Penobscot, moved to ACCEPT the Minority OUGHT NOT TO PASS Report.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BALDACCI of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report.

SECOND READERS

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

Senate

Bill "An Act Addressing Consecutive Terms of Imprisonment Involving Probation"

S.P. 902 L.D. 2296

Which was READ A SECOND TIME.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-559) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Clarify the Maine Juvenile Code"

S.P. 823 L.D. 2099

(C "A" S-550)

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

Sent down for concurrence.

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development

S.P. 607 L.D. 1701

(C "B" S-551)

Which was READ A SECOND TIME.

On further by Senator DUTREMBLE of York, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "B" (S-551).

On further motion by same Senator, Senate Amendment "A" (S-558) to Committee Amendment "B" (S-551) READ and ADOPTED.

Committee Amendment "B" (S-551), as Amended by Senate Amendment "A" (S-558) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

ENACTORS

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

An Act Concerning Geographic Isolation Grants
H.P. 1305 L.D. 1805
(C "A" H-806)

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

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

An Act to Clarify the Definition of Employer Under the Workers' Compensation Laws

S.P. 738 L.D. 1942
(C "A" S-526)

An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code

S.P. 771 L.D. 1996
(C "A" S-527)

An Act to Ensure that Mobile Home Park Operators are Informed of Habitability Problems

H.P. 1560 L.D. 2166

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 Ensure the Independence of the Animal Welfare Board

S.P. 691 L.D. 1830
(C "A" S-523)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Increase the Capacity of the State to Provide Mental Health Services"

S.P. 861 L.D. 2210

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-557).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-557) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senate at Ease

Senate called to order by the President.

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

HELD BILL

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. Is the Senate in possession of L.D. 1950?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been Held.

On motion by Senator BERUBE of Androscoggin, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED.

Bill "An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket" (Emergency)

S.P. 746 L.D. 1950
(C "A" S-547)

(In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-547).)

On further motion by same Senator, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

ORDERS OF THE DAY

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

HOUSE REPORT – from the Committee on LABOR on Bill "An Act Regarding Written Notice to Employees of Layoff or Termination"

H.P. 1577 L.D. 2184

REPORT – Ought to Pass as Amended by Committee Amendment "A" (H-827).

Tabled – March 6, 1990, by Senator CLARK of Cumberland.

Pending – ACCEPTANCE of the Report

(In House, March 5, 1990, the Report READ and ACCEPTED and the Bill FAILED OF PASSAGE TO BE ENGROSSED AS AMENDED.)

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

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. L.D. 2184 is not a major crisis in the State of Maine. It does address a limited concern that had been brought up by a few individuals. This Bill was a unanimous report from the Labor Committee.

My concern, and the reason I am addressing you regarding a unanimous report, is the concern I have heard repeatedly, in letters to myself and members of the Labor Committee, regarding misinformation that had been provided too many small businesses in our state in regards to what this Bill actually does. I do simply want to state for the record, that this Bill deals only with written notice, a pink slip, many of us know it as, regarding termination, being fired or being laid off.

It does not deal with written explanations, just cause, etcetera. Those concerns are current laws that were passed in the Legislature in the early 1970's. Unfortunately, the facts concerning this Bill have not been made clear. There have been many, many concerns regarding this issue, and since it isn't a major issue that needs to be dealt with during this session, even though I believe it was the right thing to do, I would like to so move that this Bill be postponed indefinitely.

On motion by Senator ESTY of Cumberland, the Bill and Accompanying Papers INDEFINITELY POSTPONED.

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

Bill "An Act to Protect Public Health by Prohibiting Smoking on Public Transportation Busses" (Emergency)

H.P. 1462 L.D. 2039
(C "A" H-853)

Tabled - March 6, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED.

(In Senate, March 6, 1990, READ A SECOND TIME.)

(In House, March 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-817).

On motion by Senator CARPENTER of York, Senate Amendment "A" (S-555) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I'd like to briefly speak on this amendment and explain exactly what it does. All it is designed to do is to give a bus company the right, if they wish, to run a "smoker's special", perhaps, you might call it. If economics declare that perhaps a special bus, it might be a very small bus, it might be a very crummy bus, that they could run it, just calling it a smoker's special. It would only be for smokers. Thank you.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from York, Senator Carpenter has effectively ruined the Bill! I would hope you would vote in opposition to his motion. The Bill, in its original form, prohibits, prohibits smoking in public buses, and his little gem provides for a two-way system and I suspect the bus lines would have a difficult time having a smoker's bus over here, and a non-smoker's bus over here, when they ride from Fort Kent to Augusta. Since I think the objective of the Bill was to prohibit, prohibit smoking on public conveyances, known as buses, I hope you will vote against the amendment.

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

Senator BALDACCII: Thank you Mr. President. I would like to pose a question through the Chair. If a bus is chartered by a group to go to a ball game or something like that, is that considered public transportation at that point or is it private?

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

Senator COLLINS: Chartered buses are exempt from the provision in the law.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Not to carry on for many hours, but I do not see this effectively ruining the Bill. I think it's a right that a company should have if they desire. I doubt very much it would be used because probably the economics would not make it plausible. But looking into the future, perhaps at some time you will have train service. They have smoking cars. By the time we have train service, there will probably be camel cars for smokers. But I still think that private enterprise should have the right, if they so desire. It wouldn't be a scheduled competing bus, but if they want to run a bus that says for smokers only, I think they should have that right. Thank you.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is worth staying for. I have not seen this in a long, long time, and I encourage further debate on this subject.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. While I concur with the brief remarks of the good Senator from Penobscot, Senator Pearson, I would pose a question, if I may, through the Chair, to the good Senator from York, Senator Carpenter.

That question is, presuming I have permission of the Chair, should his amendment be attached to the Bill, and public transportation be afforded from Sanford to Portland on two buses, one which has smoking, and one which has non-smoking, and there are more on the smoking bus than on the non-smoking bus, and the company determines that it's not economically feasible, which bus will go to Portland?

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a question through the Chair to the Senator from York, Senator Carpenter, to which he may respond if he so desires. The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. There wouldn't be two buses, I don't believe, at the same time. I'm just saying that I think the bus company has the right, if they so desire, to offer another bus. If they don't, if they can't make money, they won't have to, and I'm not trying to mix smokers with non-smokers. I realize that smokers should ride on the outside of buses, but anyway... Thank you.

Off Record Remarks

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize for my late arrival in the Chamber, but the Committee was still in workshop.

The Bill before you emanated from the Human Resources Committee, and I feel an obligation to apprise the membership of the rationale of the Committee for recommending legislation without this language.

There was discussion in the Committee as to whether we should exempt chartered buses from the proposed prohibition on smoking in buses, and this elicited significant discussion among members of the Committee. Ultimately, the Committee decided that the residue of the smoke would build up and, in fact, would be a source of concern to individuals who do suffer from respiratory ailments and who have hypersensitivity to the consumption of tobacco products. Thus, what at first appeared to be a very reasonable approach to allow chartered buses, if people want to smoke on the buses, why not? The concern was that there may in fact be, over time, an accumulation of tobacco smoke which gets into the furnishings of the interior of the bus and which, in fact, would be offensive to certain individuals who would use the bus during its regular runs. For that reason the Committee reasoned that chartered buses should not be exempt from the prohibition on smoking on buses. Thank you.

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

Senator BRANNIGAN: Thank you Mr. President. Could we have a clarification? We've had conflicting bipartisan answers to questions. Before Senator Gauvreau came into the Chamber, we were told that they were exempt by Senator Collins, the Senator from Aroostook. Could we have clarification on this matter, please? Thank you.

THE PRESIDENT: The Chair would like to advise the members that the Senate Rules qualify that when speaking the Senators will address the Chair and make reference to their colleagues by the counties in which they reside, not in reference to the statement of the Senator from Cumberland, but, previous statements. The Senator from Cumberland, Senator Brannigan has posed a clarification through the Chair to any Senator who may care to respond.

The pending questions, is the Adoption of Senate Amendment "A".

A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. I don't believe I could vote on this Bill until I know whether chartered buses are exempt. It seems to me if the Senator from York, Senator Carpenter, or anyone else wants to charter a bus, and it seems to me that would be a private affair and if they want to smoke, they might smoke. It just seems to be that ought to be clarified and we have conflicting information, and therefore, I would like clarification. If not, the next time I stand up I will ask it to be tabled.

Senator KANY of Kennebec moved to Table 1 Legislative Day, pending the motion of Senator CARPENTER of York to ADOPT Senate Amendment "A" (S-555). (Division Requested)

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator CARPENTER of York to ADOPT Senate Amendment "A" (S-555).

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

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
(C "A" S-536)

Tabled - March 5, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED
(In Senate, March 5, 1990, READ A SECOND TIME.)

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not overly conversant with this particular Bill. However, it seems to me that it deals both with new construction and existing construction in providing for access to the buildings. In the case of existing construction, I think it has a threshold of \$100,000, whereby, the barriers must be provided. My question is, since this provides for places of employment, as well as public buildings, and it includes existing buildings, in those cases where the building is of multi-stories...

[Due to technical difficulties, remarks not recorded.]

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate, I'm pleased to be able to respond the question framed by the good Senator

from Aroostook, Senator Collins. His question encapsulates the concern expressed...

[Due to technical difficulties, remarks not recorded.]

...His concern was expressed to me also this morning by the good Senator from Cumberland, Senator Dillenback, and I sought guidance from the genesis of this piece of legislation and was given the following response. The concern that he refers to is already Maine law and has been for over the last 10 years.

The amount of \$100,000 contained in the measure, is an amount which this Legislature determined in 1987, at that time, dropping the figure from \$150,000. I am aware, however, that there is an additional amendment being prepared which should be afforded an opportunity for presentation as a matter of courtesy, before this Body, and therefore, would request that someone table this item for one legislative day.

On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED.

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 5, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, March 1, 1990, READ A SECOND TIME.)

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

On motion by Senator GAUVREAU of Androscoggin, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-813).

On further motion by same Senator, Senate Amendment "A" (S-554) to Committee Amendment "A" (H-813) READ and ADOPTED.

Committee Amendment "A" (H-813), as Amended by Senate Amendment "A" (S-554) thereto, ADOPTED, in NON-CONCURRENCE.

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

Sent down for concurrence.

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

NOMINATION - of Walter H. Foster, Jr. of East Holden, for reappointment to the Maine Real Estate Commission.

Tabled - March 6, 1990, by Senator DUTREMBLE of York.

Pending - CONSIDERATION

(In Senate, March 6, 1990, Communication from the Committee on BUSINESS LEGISLATION READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Walter H. Foster, Jr. of East Holden be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Business Legislation 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.

LEGISLATIVE RECORD - SENATE, MARCH 6, 1990

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

ABSENT: Senator CAHILL

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Walter H. Foster, Jr., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Hobart F. Harnden of South Portland, for reappointment to the Maine Real Estate Commission.

Tabled - March 6, 1990, by Senator DUTREMBLE of York.

Pending - CONSIDERATION

(In Senate, March 6, 1990, Communication from the Committee on BUSINESS LEGISLATION READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Hobart F. Harnden of South Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Business Legislation 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: Senator PEARSON

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

ABSENT: Senator CAHILL

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 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 Hobart F. Harnden, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Franklin Howe of Bath, for appointment to the Maine Real Estate Commission.

Tabled - March 6, 1990, by Senator DUTREMBLE of York.

Pending - CONSIDERATION.

(In Senate, March 6, 1990, Communication from Committee on BUSINESS LEGISLATION READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Franklin Howe of Bath be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Business Legislation 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 ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senator CAHILL

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

The Secretary has so informed the Speaker of the House.

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

NOMINATION: - of Sharon A. Millett of Poland Springs, for reappointment to the Maine Real Estate Commission.

Tabled - March 6, 1990, by Senator DUTREMBLE of York.

Pending - CONSIDERATION.

(In Senate, March 6, 1990, Communication from Committee on BUSINESS LEGISLATION READ and ORDERED PLACED ON FILE.)

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Sharon A. Millett of Poland Spring be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Business Legislation 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: Senator PEARSON

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

ABSENT: Senator CAHILL

1 Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent, and 1 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 Sharon A. Millett, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

HOUSE REPORTS - from the Committee on BUSINESS LEGISLATION on Bill "An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code"

H.P. 1606 L.D. 2219

Majority - Ought to Pass

Minority - Ought Not to Pass

Tabled - March 6, 1990, by Senator BALDACCI of Penobscot.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 6, 1990, Reports READ.)

(In House, March 6, 1990, the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.)

Senator WEBSTER of Franklin, moved to ACCEPT the Minority OUGHT NOT TO PASS Report.

At the request of Senator HOBBS of York, a Division was had. 14 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin, to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

The Majority OUGHT TO PASS Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORTS - from the Committee on Taxation on Bill "An Act to Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137

Majority - Ought to Pass

Minority - Ought Not to Pass

Tabled - March 6, 1990, by Senator CLARK of Cumberland.

Pending - motion of Senator BALDACCI of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report.

(In Senate, March 6, 1990, Reports READ.)

Senate at Ease

Senate called to order by the President.

On motion of Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending the motion of Senator BALDACCI of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Report.

Senate at Ease

Senate called to order by the President.

On motion by Senator ESTY of Cumberland, ADJOURNED until Thursday, March 8, 1990, at 8:30 in the morning.