

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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FIRST CONFIRMATION SESSION
October 30, 1989
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for Monday, March 19, 1990.

On motion of Representative Carroll of Gray, Adjourned until Monday, March 19, 1990, at nine o'clock in the morning.

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

In Senate Chamber
Friday
March 16, 1990

Senate called to Order by the President.

Prayer by Mr. Patrick Perry Cahill of County Waterford, Ireland.

MR. PATRICK PERRY CAHILL: Please join me in thanking the Lord for bringing to our nation, peoples from all religions and nations as a testament to God's teachings, that all men are created equal.

All Mighty Father, You have helped us create a society that is looked upon by many other nations as the symbol of religious, political and racial freedom. Help us not to falter in our leadership as we set a standard for others to follow.

We especially pray for our brothers and sisters in Northern Ireland that, by whatever peaceful means, we can help them tear down the barriers that separate their society and help them build a new society free of prejudice and bigotry.

For it is in Christ's name we ask this prayer, Amen.

Reading of the Journal of Thursday, March 15, 1990

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws" H.P. 814 L.D. 1126 (H "A" H-801 to C "A" H-775)

In Senate, February 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775) AS AMENDED BY HOUSE AMENDMENT "A" (H-801) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775) AS AMENDED BY HOUSE AMENDMENT "B" (H-930) thereto, in NON-CONCURRENCE.

On motion by Senator MATTHEWS of Kennebec, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (H-775), as Amended.

House Amendment "B" (H-930) to Committee Amendment "A" (H-775) READ.

On further motion by same Senator, House Amendment "B" (H-930) to Committee Amendment "A" (H-775) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, the Senate RECEDED from ADOPTION of House Amendment "A" (H-801) to Committee Amendment "A" (H-775).

On further motion by same Senator, House Amendment "A" (H-801) to Committee Amendment "A" (H-775) INDEFINITELY POSTPONED, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-589) to Committee Amendment "A" (H-775) READ.

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, just very briefly, the Committee on Legal Affairs worked a long and hard time on this Bill, an act to get those that are drinking and drugging off our highways. We had a number of people before the Committee, from the Highway Safety Division in Washington to those in Public Safety, here, a Department, a number of citizens participated in the lengthy discussions of the issue. We had the Maine Civil Liberties Union before our Committee and others.

Our Committee came out with a very good start because we know that, I think, all of us in this Chamber feel strongly committed to getting those that are using and abusing illicit, illegal drugs off our highways. It's not a Democratic issue, not a Republican issue. It's a human interest issue of all of us.

We fully realized in the Legal Affairs Committee that we needed to look at that issue, be sensitive to those kinds of possibilities where someone might be on some prescribed medication and those kinds of instances. We did that and I'm proud of every member of the Legal Affairs Committee, proud of my colleague to the right and my colleague to the left in this Chamber.

We worked hard and now at the eleventh hour we've got a proposal that has not been discussed in the Legal Affairs Committee and I'm standing here asking for your support in this Chamber to support the efforts of the Legal Affairs Committee to keep intact a good Bill, to send this Bill on its way, to do all that you can to make this the law of the state of Maine. We're a leader, in this state. I'm proud of the efforts of my colleagues in this Chamber and the Second Floor, the Chief Executive. We are a leader, in Maine. We're sending tough messages to those that drink and drug and drive. Get off the highways! Our Bill does that.

This proposal, that has been offered, deals with trying to set up now, a different issue, about setting up a reward program. If you know of someone drinking or drugging and getting out behind the wheel, you can now call law enforcement and get a reward. That's a good issue, but not one we discussed in Legal Affairs Committee for hours and hours, not one that we had expert testimony and witnesses from all over come in and talk about. With all due respect to the person who put that Bill in, his heart and his soul and mine are in the right direction and it's a good proposal...

THE PRESIDENT: The Chair would advise the Senator that the pending motion is the adoption of Senate Amendment "A" to Committee Amendment "A". That is the item that can be discussed.

Senator MATTHEWS: Thank you, Mr. President. With the adoption of my amendment, Ladies and Gentlemen, you'll bring the Bill back to where it was, to the hard work that the members of the Committee put in and this other issue will be debated later, in another session and that's fair. I hope you will stay by the unanimous support of the members of the Committee and send this Bill on its way. Thank you.

On motion by Senator MATTHEWS of Kennebec, Senate Amendment "A" (S-589) to Committee Amendment "A" (H-775) ADOPTED.

Committee Amendment "A" (H-775) as Amended by Senate Amendment "A" (S-589) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

House Papers

Bill "An Act to Amend the Laws Concerning the Theft of Blueberries"

H.P. 1757 L.D. 2434

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

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

Pursuant to Public Law
COMMISSION TO STUDY THE CERTIFICATE OF NEED LAW
AND THE IMPACT OF COMPETITIVE MARKET FORCES
ON AMBULATORY HEALTH SERVICES

The COMMISSION TO STUDY THE CERTIFICATE OF NEED LAW AND THE IMPACT OF COMPETITIVE MARKET FORCES ON AMBULATORY HEALTH SERVICES, pursuant to Public Law 1989, Chapter 588, Part A, section 56 ask leave to submit its findings and to report that the accompanying Bill "An Act to Modify the Applicability of the Certificate of Need Program to Hospitals and to Exempt Certain Hospital Restructuring Activities from the Requirement of Approval by the Maine Health Care Finance Commission"

H.P. 1767 L.D. 2435

Be referred to the Joint Standing Committee on HUMAN RESOURCES 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 HUMAN RESOURCES and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

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

Joint Resolution

The Following Joint Resolution: H.P. 1766
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND THE CONGRESS OF THE UNITED STATES TO
ENSURE FAIR TREATMENT OF JOSEPH DOHERTY

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, Joseph Patrick Doherty, a citizen of the Republic of Ireland and of the United Kingdom, was convicted in a special nonjury British Diplock court in 1981 of offenses related to an incident involving the death of a British Army soldier and was sentenced to life imprisonment; and

WHEREAS, Joseph Patrick Doherty escaped from prison and fled to the United States, where he was arrested on June 18, 1983, pursuant to a deportation warrant; and

WHEREAS, Joseph Patrick Doherty has been a prisoner in the federal prison system since June 18, 1983, solely because of extradition proceedings and charges of having illegally entered the United States; and

WHEREAS, on June 28, 1983, the United Kingdom, acting through the United States Department of Justice, requested the extradition of Joseph Patrick Doherty to the United Kingdom; and

WHEREAS, on December 12, 1984, the United States District Court of the Southern District of New York in the action entitled Matter of Doherty (599 F. Supp. 270 (1984)), denied the request for extradition on the ground that the acts for which the British

Government sought Joseph Patrick Doherty were within the political offense exception of the then existing extradition treaty between the United States and the United Kingdom; and

WHEREAS, on November 14, 1988, the Board of Immigration Appeals ruled to allow Joseph Patrick Doherty to apply for political asylum in the United States, superseding an earlier order by the Attorney General of the United States ordering Joseph Patrick Doherty deported to the same country, the United Kingdom, to which his extradition had been previously denied; and

WHEREAS, in so ruling, the Board of Immigration Appeals expressly stated that Joseph Patrick Doherty had submitted sufficient evidence to establish a prima facie claim of a well-founded fear of persecution if returned to the United Kingdom; and

WHEREAS, on June 18, 1989, Joseph Patrick Doherty began his 7th year of federal confinement, despite the fact that he has never been convicted of, or even charged with, a criminal offense in the United States, circumstances which only serve to heighten legitimate concerns about the most fundamental violations of basic due process rights; now, therefore, be it

RESOLVED: That We, your Memorialists, commend the decision of the Board of Immigration Appeals to allow Joseph Patrick Doherty to apply for political asylum in the United States, and express our concern at the decisions of Attorneys General Meese and Thornburgh, which, in ignoring successive decisions in favor of Joseph Patrick Doherty duly rendered by immigration judges and by the Board of Immigration Appeals, raise serious issues of denial of due process; and be it further

RESOLVED: That the President and the Congress take all appropriate action to see that the Attorney General of the United States respect the decision of the Board of Immigration Appeals and permit Joseph Patrick Doherty the hearing ordered by the Board of Immigration Appeals on his claim for political asylum and that Joseph Patrick Doherty's request to be released on bond, pending the final outcome of the immigration proceedings be immediately addressed; 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, to each Member of the Maine Congressional Delegation, to Attorney General Richard Thornburgh and to Joseph Patrick Doherty.

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

COMMUNICATIONS

The Following Communication: S.P. 970
114TH MAINE LEGISLATURE
March 15, 1990

Senator Stephen C. Estes
Rep. Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert A. Moore of Falmouth for appointment and Warren C. Cook of Kingfield for reappointment to the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education 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 EDUCATION.

Sent down for concurrence.

The Following Communication:
DEPARTMENT OF CONSERVATION
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

March 13, 1990

The Honorable Charles Pray
President of the Senate
State House Station #3
Augusta, Maine 04333

Dear Senator Pray and Members of the Senate:

The Department of Conservation is pleased to submit its report on a "Study to Determine the Best Method and Cost of Removing Abandoned Watercraft in the Coastal Waters of the State", pursuant to Private and Special Laws of 1989, Chapter 65.

The report was prepared by the Bureau of Public Lands with assistance from the Department of Environmental Protection, Department of Marine Resources and a consultant.

The report evaluates the costs of removing abandoned vessels from Maine's coast and explores several funding mechanisms. It recommends consideration of the establishment of a Harbor Management Fund which would be used to assist communities in harbor planning and improvement, including removal of the vessels in question. To prevent Maine's coastline from becoming a disposal site for future abandoned vessels, the report also recommends strong enforcement of existing State laws.

The Bureau of Public Lands would be happy to meet with interested legislators to discuss this report and answer any questions you may have.

Sincerely,
S/C. Edwin Meadows
Commissioner

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

The Following Communication:
COMMISSION TO EVALUATE THE ADEQUACY OF THE AID TO
FAMILIES WITH DEPENDENT CHILDREN NEED
AND PAYMENT STANDARDS

March 5, 1990
Members of the 114th Maine Legislature
State House
Augusta, Maine 04333
Dear Members:

The Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards is pleased to submit the attached report of our work. While the financial needs of the Aid to Families with Dependent Children population are great, resources to meet these needs are scarce and AFDC families must compete with many and varied interests for these resources. The Commission considers the basic human needs of food, clothing and shelter to be of the highest priority.

The Commission recognizes that fully meeting these needs in 1990-91 is cost prohibitive, but

believes that there are some immediate steps that can be taken in this direction. At the same time, this report sets long term goals.

Our recommendations to you follow in this report.

I would like to thank the members of the Commission and those who appeared before the Commission for their help in completing this report. In particular, I would like to thank the Aid to Families with Dependent Children recipients who gave of their time to help this Commission understand how the AFDC program works and how it affects their lives. In advance, my thanks to the members of the Maine Legislature for their consideration of the issues facing these Maine citizens and the Commission recommendations.

Sincerely,
S/Senator N. Paul Gauvreau

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

The Following Communication:
DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION 45
AUGUSTA, MAINE 04333

March 15, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333

Dear President Pray:

I am pleased to submit, in accordance with 26 M.R.S.A., Chapter 22, Section 1724, the enclosed 1990 report on the Maine Chemical Substance Identification Program.

The 1989 program year was most active. Our staff have conducted 209 training programs, reaching 5809 workers. In addition, 163 inspections were conducted, resulting in nearly 500 citations.

Please do not hesitate to contact me directly with any questions or comments regarding this program or the report.

Sincerely,
S/William A. Peabody
Acting Director

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

SENATE PAPERS

Bill "An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore" (Emergency)
S.P. 969 L.D. 2436

Presented by Senator WEBSTER of Franklin
Cosponsored by Representative DEXTER of Kingfield
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Which was referred to the Committee on STATE AND LOCAL GOVERNMENT and ORDERED PRINTED.
(See action later today.)

Senate at Ease

Senate called to order by the President.

ORDERS

Joint Orders

On motion by Senator HOBBS of York the following Joint Order:

S.P. 971

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill,

"An Act to Provide Greater Protection Under the Domestic Abuse Laws."

Which was READ and PASSED.

Sent down for concurrence.

On motion by Senator WEBSTER of Franklin, the Senate RECONSIDERED whereby it was REFERRED to the Committee on STATE AND LOCAL GOVERNMENT:

Bill "An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore" (Emergency)
S.P. 969 L.D. 2436

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, REFERRED to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

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 TAXATION on Bill "An Act to Fully Index Maine Income Taxes"

H.P. 1321 L.D. 1823

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Protect Health Insurance Coverage for Citizens on Jury Duty"

H.P. 1655 L.D. 2291

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-920).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-920).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-920) 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 Regarding Squa Pan Stream" (Emergency)

H.P. 1742 L.D. 2406

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-924).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-924) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LEGAL AFFAIRS on Bill "An Act to Discourage Negative Campaign Practices"

H.P. 1558 L.D. 2158

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-919).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-919).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-919) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Deorganize Plantation E in Aroostook County" (Emergency)

H.P. 1667 L.D. 2308

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-922).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-922).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-922) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on TRANSPORTATION on Bill "An Act to Amend the State Railroad Preservation and Assistance Act" (Emergency)

H.P. 1724 L.D. 2383

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-921).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-921).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-921) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

Senator CAHILL of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

After Recess

Senate called to order by the President.

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (Emergency)

H.P. 1676 L.D. 2318

Reported that the same Ought Not to Pass.

Signed:

Senators:

ESTES of York
BOST of Penobscot

GILL of Cumberland

Representatives:

NORTON of Winthrop

AULT of Wayne

SMALL of Bath

O'GARA of Westbrook

CROWLEY of Stockton Springs

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-903).

Signed:

Representatives:

HANDY of Lewiston

KILKELLY of Wiscasset

OLIVER of Portland

PARADIS of Frenchville

O'DEA of Orono

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-903).

Which Reports were READ.

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

Senator LUDWIG: Thank you. Mr. President, Men and Women of the Senate, I rise with some trepidation today, noting full well that the three Senators on the Education Committee have already made their feelings known on this particular Bill. But as a co-sponsor of 2318, I would urge you to vote against the pending motion.

Fort Fairfield is the second largest of the fifty communities which I represent and I have been greatly disturbed by the situation which has developed, which could prevent my constituent, David Novak, an academically gifted student from contributing his considerable athletic talents to the success of Fort Fairfield's baseball team in his senior year.

For a variety of reasons, some people feel their children can benefit more from home schooling than they can from the public school system. As a six-year member and former Chairman of S.A.D. 29 in Houlton, I can recall more than one occasion when members of the Board were asked to interview parents to see if they could qualify to school their children at home. As Board members, we are aware of the loss that each student represented in terms of the monetary allotment to the District, but our ultimate decision had to be based on what we considered to be in the best interest of the student. If we determined that the parents met those qualifications, we let those kids go into home schooling.

My three children have survived the public school system and are now, thank goodness, self-supporting. But, I can't imagine, at any step of the way, that I could have supplied the necessary expertise in a variety of subjects to prepare any one of those children for graduation and acceptance at a respectable institution of higher learning. As someone who is certified to teach English at the high school level, I must admit that I was occasionally horrified by some of the misspelled and grammatically flawed critiques delivered by some of my children's English teachers. But, there were several superior teachers in the system, as well, and I will be eternally grateful for their competence and dedication and their willingness to work after hours to help those who had problems with a particular subject.

I still have trouble balancing a checkbook and there's no way I could have tackled modern math with all those bundles of little sticks. I must admit, I still use my fingers, on occasion. I mention this

only to demonstrate that I could never have passed the requirements necessary to home school my children and quite frankly, I was relieved to send them off to those more capable of giving those children a well-rounded education.

Still, in this particular case, I feel that David Novak has been unfairly treated. When he rejoined the public school system and the system determined that he was entitled to re-enter as a junior, he should have been allowed all the privileges enjoyed by those at his academic level. I will never forget in my senior year at Houlton High School, when we had a basketball team capable of taking the State title and our tallest, and some would say our best, member of the team was denied the right to compete in a tournament because the celebrated eight-semester rule established by the MSSPA made him ineligible. No allowance was made for the fact that a serious illness had kept him from attending school for a full semester. His eight semesters had run out.

The MSSPA needs to adjust its criteria on a case by case basis. It is ridiculously inflexible and unyielding. It seems only fair to me, and I hope to you, that David Novak should be able to compete athletically as well as academically for the remainder of his senior year. I respectfully urge you to vote against the pending motion. Thank you Mr. President.

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

Senator ESTES: Thank you. Mr. President, Ladies and gentlemen of the Senate, I'd like to just take a few minutes of your time this afternoon to talk about this particular issue. The question of eligibility for home-schoolers for extracurricular activities offered by public schools came before the Education Committee last May. It was a side issue to a Bill that called for a change in the method of approving equivalent instruction in home-schools, the home-schooling Bill. That Bill, after much deliberation and a consensus that was unanimous among all parties involved was signed into law in July.

The issue of eligibility remained. The Committee directed my co-chair and I to send a very strongly worded letter to the MSSPA to express our frustration with the current Association rules and procedures for determining eligibility. That letter was sent on June 28 and we received a reply from the Executive Director. They responded very positively to our request and an Ad Hoc committee was formed last fall to consider the eligibility rule for home-schoolers. Members of that Committee included three members of the MSSPA, the President of the Maine Home Schooling Association, a parent, a superintendent, the Director of the Division of Curriculum of the Department of Education and Cultural Services and a member of the other Body.

The Ad Hoc committee unanimously approved the following amendment to the MSSPA bylaws. "Home school students will be exempt from the enrollment rule, if their equivalent instruction program has been approved by the Commissioner of Education and Cultural Services and the local school district has granted explicit approval for the home school students to participate in extracurricular programs of the school which serves their communities. Home school students must meet all other eligibility rules under Article 3, Section 2 of the Association by laws." The Interscholastic Executive Committee of the Association voted overwhelmingly to recommend that this amendment be approved by the membership at their Spring business meeting to be held next month in Bangor.

I'm pleased with the progress that the Association has made on this issue and am confident the amendment will be approved by the Association. Unfortunately, it does not resolve the Novak case. First, you must remember that the Association presently limits eligibility to eight semesters. The reason for this is simple. To ensure, insofar as possible, all youngsters have an equal opportunity to participate. By definition, those eight semesters must begin at a time certain for all students and the most logical time for the eight semesters to start is at the beginning of the youngster's ninth grade year.

Second, you must understand that exceptions are sometimes made. If a student's high school years have been interrupted for reasons beyond his or her control, for example, illness or family emergency, or unusual circumstances, a process exists by which a school may request an additional semester of eligibility, 18 weeks, for that student. This was the case in the Novak instance. A request was made by the school and a waiver was granted for an addition 18 weeks in what is his senior year or actually would have been his fifth year, had he gone through the normal public school process.

The purpose of the eligibility rules is simple, to provide Maine high school students with fair, equitable opportunities to participate in interscholastic activities. Of course, we as reasonable people do not always agree on what is fair and what is equitable. This Bill would allow a student, who is home schooled, to enter a public high school at any time and would determine how many semesters of eligibility he or she would have. That would depend on the number of academic credits that person was granted by the school for their home schooling education.

For example, a student who was home schooled for their freshman, sophomore and junior years, at supposedly equivalent instruction enters the local high school. The school determines that academic credit earned is only equal to the ninth and tenth grade and that the student must repeat his or her junior year. This Bill would allow two full years of eligibility for extracurricular participation to a student who would have, under normal circumstances, been a senior. What about the student who enters public school at ninth grade and after three years of schooling finds he or she must repeat their junior year because of academic failure? They only have one year of eligibility left and cannot participate in what would be their fifth year of high school.

This Bill sets up a double standard that I believe is inappropriate for determining eligibility for sports participation. In the event that there are unusual circumstances, there is an appeal process which could allow a waiver for up to 18 weeks of participation. Believe me, there are still concerns that members of this Legislature and the Education Committee have with the eligibility rules and procedures.

The Education Committee has instructed me and my co-chair to send another letter, strongly urging that those concerns be resolved. I trust the Association will act in the proper manner and I can guarantee you if they are not resolved, we will seek further legislation before us next year. I urge you to support the Majority Ought Not to Pass Report and I thank you.

Senator ESTES of York moved to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

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

Senator DUTREMBLE: Thank you. Mr. President, Members of the Senate, I, too, stand here fearful

because we are talking about the MSSPA, but not only that, but going against a report of the Committee on Education where all three members are on one side and I'm up here speaking against it. I guess I'm always a little concerned when I do that.

I am a co-sponsor of this Bill and I figured that I had to get up and try to defend it to some degree. When we talk about the MSSPA, it reminds me of a program I used to watch when I was a kid where these three guys used to run around and do all this slapstick comedy. There's one particular incident where one person would mention Niagara Falls and the other two would say, "How slowly a stream, Niagara falls and slowly I turn, inch by inch, step by step..." and then they would continue to lose their cool. MSSPA, slowly I turn, inch by inch, step by step and I guess I've been like that for a number of years and the people on the Education Committee understand that this is not the first time that I've gone up and passed Bills or tried to pass Bills concerning the MSSPA.

This Bill here is a Bill of accountability. My whole problem with the MSSPA and I have respect for the members of that body, is that they are not accountable to anyone. I guess I have problems with that because they do make decisions, not necessarily decisions that deal with tax money, but they do make decisions that deal with people in my school and in your school where I pay tax dollars to those people in those schools. Yet, these people, sitting on this board, make decisions and we have nothing to say about it. Time and time again I have seen, and you have seen, where this has not been the only case where we've come up with bills to try to address the special needs of a person.

The problem that I see, is that the MSSPA, everytime there's a special instance like this, they meet and they say, Yes, we'll address it at some future date, we promise you we will address this with some kind of new rule. Then, for a time, we forget about it. In the next Legislature, another case comes up and it doesn't happen very often, but every now and then you have a special needs case and this may be one of them. There was one a couple of years ago. There was one I brought in a few years before that that had very special needs. It always seemed, we'd address it at some future meeting, and then we never hear about it again.

I think it's about time we finally make a decision here so that we let them know, yes, we will make the decisions for you, if you don't. Because frankly, I'm getting to believe that if I came in with a Bill, or anybody else in this Body, that said that this Bill will end poverty in the world, hunger in the world, homelessness in the world, sickness in the world, if it was against the rules of the MSSPA they'd be here fighting it. They'd have a meeting about it and they'd say, we'll do something about it, for now let's put it aside. I think it's about time we take control a little bit of some of the decisions that are being made concerning our students and our children and put them back where they belong. Thank you.

The Chair ordered a Division. 21 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator ESTES of York to ACCEPT the Majority OUGHT NOT TO PASS Report in NON-CONCURRENCE PREVAILED.

Sent down for concurrence.

Senate
Ought to Pass As Amended

Senator ESTES for the Committee on EDUCATION on Bill "An Act to Move Certain Minor Capital Costs from the Operating Allocation to the Debt Service Allocation under the School Finance Act of 1985" (Emergency)

S.P. 82 L.D. 83

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-587).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "B" (S-587) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TITCOMB for the Committee on HUMAN RESOURCES on Bill "An Act Relating to Pharmacy Services to Nursing Home Residents"

S.P. 886 L.D. 2262

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-586).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-586) 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 Amend the Charter of the Van Buren Water District" (Emergency)

H.P. 1734 L.D. 2393

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

House As Amended

Bill "An Act to Purchase the Development Rights to Farmland"

H.P. 1545 L.D. 2130

(C "A" H-911)

Bill "An Act to Amend the Workers' Compensation Insurance Laws"

H.P. 1565 L.D. 2171

(H "A" H-914 to C "A" H-904)

Bill "An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

H.P. 1642 L.D. 2275

(C "A" H-902)

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

Senate As Amended

Bill "An Act to Continue the Driver Education Evaluation Program" (Emergency)

S.P. 871 L.D. 2233

(C "A" S-584)

Bill "An Act to Encourage Local and Regional Health Planning and Provide Research and Technical Assistance Related to Responsibilities of the Maine Health Policy Advisory Council"

S.P. 938 L.D. 2373

(C "A" S-583)

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 to Reform the Juvenile Criminal Justice System

S.P. 541 L.D. 1512
(H "B" H-893 to C "A"
S-479)

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

RECALLED FROM THE GOVERNOR'S DESK

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

Senator DILLENBACK: Mr. President, is the Senate in possession of L.D. 2305?

THE PRESIDENT: The Chair would answer in the affirmative the Bill having been recalled from the Governor's Desk.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED.

Emergency

An Act Allowing the Yarmouth Water District to Acquire the Assets and Liabilities of the North Yarmouth Water District

H.P. 1665 L.D. 2305

(In Senate, March 12, 1990, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 968, in concurrence.)

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

On further motion by same Senator, Senate Amendment "A" (S-585) READ and ADOPTED.

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

Sent down for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and 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 14, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator BALDACCI of Penobscot to ACCEPT the Minority OUGHT NOT TO PASS Rep Senate, March 6, 1990, Reports READ.)

Senator BALDACCI of Penobscot requested and received Leave of the Senate to withdraw his motion to ACCEPT the Minority OUGHT NOT TO PASS Report.

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

Senator ANDREWS: Thank you. Mr. President, I move the Majority Ought to Pass Report. The Bill that we have before us is the same Homestead Exemption program that we discussed a week and a half ago, ladies and gentlemen of the Senate and as we often find with legislation that comes out of Committee, there are some concerns and issues that some members have that need to be addressed through amendment. We have considered those concerns, some of which were made by the Senator from Penobscot, Senator Baldacci, with the Bill that came out of

Committee. I have prepared an amendment that I will offer to you on Second Reading that will address those concerns and so with those out of the way, I hope that we can now go on and accept the Majority Ought to Pass report.

On motion by Senator ANDREWS of Cumberland, the Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

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 Annex Township 4, Range 3 WELS to the Town of Island Falls"

H.P. 164 L.D. 229

Majority - Ought Not to Pass.

Minority - Ought to Pass.

Tabled - March 15, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, March 30, 1989, Reported READ and the Bill and Accompanying Papers RECOMMITTED to the Committee on STATE AND LOCAL GOVERNMENT.)

(In Senate, April 3, 1989, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, March 13, 1990, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-915) in NON-CONCURRENCE.)

On motion by Senator BERUBE, of Androscoggin the Senate ADHERED.

(See action later today)

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator THERIAULT for the Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Financial Responsibility Law Pertaining to Motor Vehicles"

S.P. 849 L.D. 2178

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-588).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-588) 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:

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1769

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act to Amend the Maine Criminal Code Regarding Drugs."

Comes from the House READ and PASSED.

Which was READ and INDEFINITELY POSTPONED, in NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the Special Appropriations Table, the following matter:

Emergency

An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine

S.P. 865 L.D. 2216
(C "A" S-484)

(In Senate, March 15, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484)).

(In House, March 14, 1990, PASSED TO BE ENACTED.)

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, all bills, as I mentioned the other day, that have money on them go on the Appropriations Table. There are sometimes, as over the years when there are extraordinary interests or concern or importance in speed taking bills off. I have consulted with the members of the Education Committee, members of the Appropriations Committee and members of leadership. All people are interested in having this Bill come off the Table, be passed at this time. Its fiscal impact is \$300,000. It will not be until 1992 in the next biennium.

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

Senator ESTES: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I have promised a number of legislators that I will keep this very brief. I do want to thank the good Senator from Penobscot, Senator Pearson, for all of his assistance and cooperation in getting this Bill to where it is today.

The green light is about ready to turn to get one-stop shopping up and started for assisting students seeking higher education. There's still a lot more work that has to be done, ladies and gentlemen, despite what has been said out there. FAME is going to need the Transition Advisory Committee to work with it to decide whether the MELA Supplemental Loan Program should be taken over by FAME, whether a loan of last resort should be established, as well as figuring out just what is going to be need for a full line of counseling and outreach services.

For months now, people have asked the question, Where did this idea ever come from? I have to give credit to the good Senator from Penobscot, Senator Pray, who during the stalemate back in June, in the hallways one evening turned to myself and the good Senator from Penobscot, Senator Bost, and said, What about FAME? We took that idea and we ran it with the Committee and we've come up with something that I think is going to work and work very well.

I, too, am anxious to get out of here this afternoon. The Governor is conducting Capitol for a Day in my home district. I've already missed the luncheon, but I guess that's okay because I wasn't invited to the luncheon. I will be there for the town meeting tonight and I will deliver to him the message that we have sent this out and it is on his desk waiting to be signed. I hope you will join me in supporting this measure as it is an emergency measure and I thank you.

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

Senator GILL: Thank you. Mr. President, Members of the Senate, finally, finally, finally, we're on the way. It's an auspicious time between the ides of

March and St. Patrick's Day that we should put this Bill out and put it into FAME's hands so it can begin to be a comprehensive, coordinated service for one-stop shopping for students and families in the state of Maine. I, too, would like to commend a couple of people. I think the chairs of the Education Committee, both Senator Estes and Representative Crowley from the other Body...

THE PRESIDENT: The Chair would advise the Senator that references to the individuals in the other Body are improper.

Senator GILL: They both did an excellent job in holding the Committee together and working for this long period of time on this issue. I also would like to commend Senator Bost who chaired the Transition Committee for all of the work that he put into this with all of the members of the Transition Committee. There were a lot of people who worked long and hard on this Bill. Among them were the financial aid community from the various schools of higher education. There was a alot of interest from a variety of sources.

I, too, will be brief, but I am really happy. I think this is the first day this week I've been happy. I really am happy that this is finally on its way and I commend Senator Pearson because I know the pressure that is put on his shoulders for Bills on that Table and I'm glad we were able to convince everybody that this Bill could go forward at this point. Thank you everybody for making this a reality.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 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.

Senate at Ease

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON LABOR

March 15, 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 Labor has had under consideration the nomination of Charles A. Morrison of Auburn, for appointment as the Commissioner of Labor.

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

YEAS:	Senators	2
	Representatives	3
		5
NAYS:		
ABSENT:	3 Rep. Butland of Cumberland, Rep. McCormick of Rockport, Rep. Luther of Mexico	

Five members of the Committee having voted in the

affirmative and five in the negative, it was the vote of the Committee that the nomination of Charles A. Morrison of Auburn, for appointment as the Commissioner of Labor be denied.

Sincerely,

S/Senator Donald E. Esty, Jr. S/Rep. Edward A. McHenry
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator ESTY: Thank you. Mr. President, Men and Women of the Senate, I would like to note that the Labor Committee reviewed the Commissioner of Labor nominee extensively over a two day period. The vote was a 5-5 tie which meant that it had to be reported here as being denied. I was of the position to support the nomination, so I would ask the Senate to, in fact, vote Yes on this nominee. Thank you.

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, I just want to rise today to explain my vote in the Labor Committee. Very reluctantly, I opposed the pending nomination of Mr. Morrison to assume the responsibilities as Commissioner of Labor. It's not easy down here to vote No, but sometimes we have to do what we know and believe to be right in our heart and in our gut. That's how I came to my position in the Committee on Labor.

My good colleague, the Senator from Cumberland, Senator Esty, has done an outstanding job. He is a fair Chairman. He has worked hard. We have a good Committee, both Republicans and Democrats. The good Senator from Androscoggin, Senator Whitmore, has been a good friend and a good seatmate, but I can't always agree with my friends. There are times when I have to differ. This is one of them, ladies and gentlemen.

My opposition to Mr. Morrison, with all due respect to the good gentlemen, really stems from what I believe to be the training that one has, that Mr. Morrison has, in personnel administration, in understanding how to manage a city budget, how to manage it from a personnel standpoint, the Department of Administration. That's all well and good, and he has done a fine job. But, as Commissioner of Labor, ladies and gentlemen of the Senate, I think you have a different test or a different calling as that of Commissioner.

I think the Commissioner of Labor needs to be someone who has not been involved in, sometimes, the skirmishes and the battles that happen between labor and management. They are going to happen and this is a free society and that's good. But the Commissioner of Labor should be someone, it seems to me, who has a different calling and a different training, someone who understands the needs of workers in the state of Maine, someone who understands the needs of industry and a healthy economy and finding those right opportunities to plug in an educated workforce and hopefully, a workforce that is striving to make a better way of life for themselves.

I see the two positions and the two jobs being very, very different. My position and my vote in the Committee stem from that. It had nothing to do with politics, nothing to do with personalities, just a vote, as one Senator, elected by the people I represent, to do what I believe is right and that is what I think I did yesterday and stand up for today. I know my colleagues here on the Committee did what they believe is right and that's the process. I wanted to, at least, state for the record my opposition to Mr. Morrison, not personal, not political, just based on what I believe are the facts

and the needs of the job and I think he should continue in personnel administration, continue in employee relations and we should get someone who is above that fray, that workers of the state can turn to without fear that they may be talking to someone who has been on the other side of those battles. I hope today you will consider my vote and those that voted on the Committee in opposition and why we did so. Thank you, Mr. President.

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

Senator WHITMORE: Thank you. Mr. President, Men and Women of the Senate, I rise before you this morning, being on the side that voted to confirm Mr. Morrison as the Commissioner of Labor. This name is not unfamiliar to all of you. When he was confirmed some three years ago as the Commissioner of Administration, there was no one who spoke in opposition to Mr. Morrison.

I've known Mr. Morrison longer than anyone in this Chamber. In fact, I was responsible for his coming to the state of Maine and at the time, was serving as Mayor of the City of Auburn and hired Mr. Morrison. The City of Auburn represents some 650 employees, probably half of which are on the municipal side, the other half being in the school department. Through that period of time that he was with the City of Auburn, there were eight bargaining units.

Now as with anyone that has been involved in collective bargaining knows, you hit some snags, and there were some snags that were brought up and there were some positions, but I want to state further that the person that had been the adversary throughout that period of time, which was representing about four of the organized units, came yesterday to the hearing and spoke in Mr. Morrison's behalf and for confirmation. I think that says a lot.

These people were adversaries over a period of time. The person who spoke in his behalf acknowledged that a lot of the turmoil and the disagreements that had gone on in the past had been positioning on both sides and that, in fact, some of them did reach the point of going to the Maine Labor Relations Board. The adversary acknowledged that it was probably appropriate, in that the final outcome to those cases has been resolved and even the person affected submitted a letter to the Labor Relations Board that acknowledged that Mr. Morrison was very competent and a gentlemen throughout the whole proceedings.

Along with that, for the last three years, he has been in charge of a Department of 550 employees within state government. People came forth, unions came forth that had been bargaining with him and negotiating with him and gave him straight A's. They said that there had been a lot of grievances filed prior to him coming. A lot of those matters have been cleared up.

It would seem to me that we're talking about hiring a manager, not someone that today is working a pick and shovel, to take over the Labor Department because they were a laborer. We're talking about hiring a manager to manage a Department that is the same size as he is managing now. He has demonstrated 22 years of proper management and management abilities. I would say that we would be hard-pressed, in my personal opinion, to turn down someone of that caliber, that is already functioning in state government. We've already had the opportunity to evaluate and the evaluation and the report card reads "A". I ask that you support the confirmation of Charles Morrison as the Commissioner of Labor.

THE PRESIDENT: The Joint Standing Committee on Labor has recommended the nomination of Charles A. Morrison of Auburn be denied.

The pending question before the Senate is: "Shall the recommendation of the Committee on Labor 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?

Senator HOBBS of York who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator PERKINS of Hancock who would have voted YEA.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, PEARSON, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

NAYS: Senators CLARK, ERWIN, MATTHEWS, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

PAIRED: Senators HOBBS, PERKINS

ABSENT: Senator THERIAULT

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 2 Senators having paired their votes and 1 Senator being absent, and 27 being more than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be DENIED and the nomination of Charles A. Morrison, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

Senator COLLINS: Mr. President, is the Senate in possession of L.D. 229?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator COLLINS of Aroostook moved that the Senate RECONSIDER whereby it ADHERED on:

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Annex Township 4, Range 3 WELS to the Town of Island Falls"

H.P. 164 L.D. 229

Majority - Ought Not to Pass.

Minority - Ought to Pass.

(In House, March 30, 1989, Reported READ and the Bill and Accompanying Papers RECOMMITTED to the Committee on STATE AND LOCAL GOVERNMENT.)

(In Senate, April 3, 1989, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

(In House, March 13, 1990, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-915) in NON-CONCURRENCE.)

(In Senate, March 16, 1990, on motion by Senator BERUBE, of Androscoggin the Senate ADHERED.)

On motion by Senator PEARSON of Penobscot, Tabled 1 Legislative Day, pending the motion of the Senator COLLINS from Aroostook, to RECONSIDER ADHERING.

On motion by Senator PEARSON of Penobscot, ADJOURNED until Monday, March 19, 1990 at 9:00 in the morning.