

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

March 20, 1990 to April 14, 1990

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 7, 1988 to April 14, 1990

(L.D. 2270) (C. "A" H-928) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 2270 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-928) was adopted.

The same Representative offered House Amendment "A" (H-998) to Committee Amendment "A" (H-928) and moved its adoption.

House Amendment "A" (H-998) to Committee Amendment "A" (H-928) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

On motion of Representative Cote of Auburn,
Adjourned until Tuesday, March 27, 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
Monday
March 26, 1990

Senate called to Order by the President.

Prayer by the Honorable Nancy Randall Clark of Cumberland County.

HONORABLE NANCY RANDALL CLARK: Let us be in a spirit of prayer.

Almighty Father, with great gentleness and care, You call us to be Your people and to do Your work. Be here with us today, for we are gathered in this Senate Chamber asking for Your grace and support in all that we do. Grant us Your love which transforms our lives in hope. Be with each of us this day, we pray. Amen.

Reading of the Journal of Friday, March 23, 1990.

PAPERS FROM THE HOUSE
Non-concurrent Matter

JOINT ORDER - relative to the Joint Standing Committee on Judiciary reporting out a bill, "An Act to Amend the Maine Criminal Code Regarding Drugs."

H.P. 1769

In House, March 16, 1990, READ and PASSED.

In Senate, March 16, 1990, READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides"

H.P. 1778 L.D. 2445

Resolve, Authorizing the Conveyance of Certain Public Lands and the Settlement of a Boundary Line Dispute Involving Public Lands

H.P. 1779 L.D. 2446

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

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

COMMUNICATIONS

The Following Communication: S.P. 982
114TH MAINE LEGISLATURE
March 23, 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 Fred Kahl of Arrowsic for reappointment, James W. Donovan of Scarborough and Richard H. Campbell of Brewer for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Pursuant to Title 20-A, MRSA Section 12705, 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: S.P. 983
114TH MAINE LEGISLATURE
March 23, 1990

Senator Edgar E. Erwin
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gene L. Brown of Lisbon Falls, Carroll T. Cutting of East Sebago and C. Thomas Jagger of Sanford for appointments to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 3, MRSA Section 151, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife 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 FISHERIES AND WILDLIFE.
Sent down for concurrence.

The Following Communication: S.P. 986
114TH MAINE LEGISLATURE
March 23, 1990

Senator Barry J. Hobbins
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable John W. Benoit of Farmington for reappointment as Judge of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

Which was READ and REFERRED to the Committee on JUDICIARY.
Sent down for concurrence.

Senate at Ease
Senate called to order by the President.

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

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

On motion by Senator BALDACCI of Penobscot, RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
March 21, 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 Marine Resources has had under consideration the nomination of Burton H. Blanch of Eastport, for appointment to the Marine Resources Advisory Council.

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. Ruhlin of Brewer

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 Burton H. Blanch of Eastport, for appointment to the Marine Resources Advisory Council be confirmed.

Sincerely,
S/Senator Joseph C. Brannigan S/Rep. James Mitchell
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Burton H. Blanch of Eastport be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4

Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Burton H. Blanch, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 March 21, 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 Marine Resources has had under consideration the nomination of Arthur J. Odlin of South Portland, for appointment to the Marine Resources Advisory Council.

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. Ruhlin of Brewer

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 Arthur J. Odlin of South Portland, for appointment to the Marine Resources Advisory Council be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Arthur J. Odlin of South Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than

two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Arthur J. Odlin, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 March 21, 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 Marine Resources has had under consideration the nomination of Honorable Kenneth M. Curtis of Castine, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 Honorable Kenneth M. Curtis of Castine, for appointment to the Marine Research Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Honorable Kenneth M. Curtis of Castine be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote

of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Honorable Kenneth M. Curtis, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

March 21, 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 Marine Resources has had under consideration the nomination of Edward S. Gilfillan of West Boothbay, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 Edward S. Gilfillan of West Boothbay, for appointment to the Marine Research Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Edward S. Gilfillan of West Boothbay be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of Edward S. Gilfillan, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

March 21, 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 Marine Resources has had under consideration the nomination of Christopher S. Heinig of South Harpswell, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 Christopher S. Heinig of South Harpswell, for appointment to the Marine Research Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Christopher S. Heinig of South Harpswell be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of Christopher S. Heinig, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
March 21, 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 Marine Resources has had under consideration the nomination of Arthur M. Johnson of Damariscotta, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 Arthur M. Johnson of Damariscotta, for appointment to the Marine Research Board be confirmed.

Sincerely,
S/Senator Joseph C. Brannigan S/Rep. James Mitchell
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Arthur M. Johnson of Damariscotta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of Arthur M. Johnson, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
March 21, 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 Marine Resources has had under consideration the nomination of James T. List of Wells, for appointment to the Marine Research Board.

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 8
NAYS: 0

ABSENT: 2 Rep. Coles of Harpswell, Rep. Ruhlin of Brewer

Eleven 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 James T. List of Wells, for appointment to the Marine Research Board be confirmed.

Sincerely,
S/Senator Joseph C. Brannigan S/Rep. James Mitchell
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of James T. List of Wells be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of James T. List, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 March 21, 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 Marine Resources has had under consideration the nomination of Arthur J. Odlin of South Portland, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 Arthur J. Odlin of South Portland, for appointment to the Marine Research Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Arthur J. Odlin of South Portland be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of Arthur J. Odlin, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 March 21, 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 Marine Resources has had under consideration the nomination of James H. Storer of Brunswick, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 James H. Storer of Brunswick, for appointment to the Marine Research Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of James H. Storer of Brunswick be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of James H. Storer, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON MARINE RESOURCES
 March 21, 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 Marine Resources has had under consideration the nomination of Dennis L. Taylor of Newagen, for appointment to the Marine Research Board.

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. Ruhlin of Brewer

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 Dennis L. Taylor of Newagen, for appointment to the Marine Research Board be confirmed.

Sincerely,

S/Senator Joseph C. Brannigan S/Rep. James Mitchell
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Marine Resources has recommended the nomination of Dennis L. Taylor of Newagen be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Marine Resources 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, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, GAUVREAU, HOBBS, WHITMORE

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be

ACCEPTED and the nomination of Dennis L. Taylor, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Bill "An Act to Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities" (Emergency)

S.P. 985 L.D. 2448

Presented by Senator CLARK of Cumberland
 Cosponsored by Senator CAHILL of Sagadahoc,
 Representative SMALL of Bath and Representative
 PRIEST of Brunswick

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

Sent down for concurrence.

Bill "An Act to Ratify the Results of a Municipal Referendum Authorizing the Annexation of Cove Point Township by the Town of Greenville"

S.P. 984 L.D. 2447

Presented by President PRAY of Penobscot
 Cosponsored by Representative GOULD of Greenville
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 27.

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Which was, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Amending the Laws Governing the Maine Environmental Protection Fund" (Emergency)

H.P. 1764 L.D. 2432

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 Prohibit Ramps for Disabled People from Adding to Property Tax Valuations"

H.P. 1717 L.D. 2370

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Amend the Laws Concerning the Theft of Blueberries"

H.P. 1757 L.D. 2434

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-967).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-967) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AUDIT AND PROGRAM REVIEW on Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties (Emergency)

H.P. 1752 L.D. 2415

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-956).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-956) AND HOUSE AMENDMENT "A" (H-970).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-956) READ and ADOPTED, in concurrence.

House Amendment "A" (H-970) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (Emergency)

H.P. 1762 L.D. 2427

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-960).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-960) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the State's Hazardous Materials and Underground Tank Installer Laws" (Emergency)

H.P. 1729 L.D. 2388

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-961).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-961) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Amend the Child and Family Services and Child Protection Act"

H.P. 1611 L.D. 2227

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-952).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-952) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Five Members on the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Reform County Government"

H.P. 1603 L.D. 2215

Reported in Report A that the same Ought to Pass as Amended by Committee Amendment "A" (H-964).

Signed:

Representatives:

ROTONDI of Athens
DAGGETT of Augusta
BEGLEY of Waldoboro
CAHILL of Mattawamkeag
WENTWORTH of Wells

Four Members of the Same Committee on the same subject reported in Report B that the same Ought to Pass as Amended by Committee Amendment "B" (H-965).

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

JOSEPH of Waterville
HEESCHEN of Wilton

Four Members of the Same Committee on the same subject reported in Report C that the same Ought to Pass as Amended by Committee Amendment "C" (H-966).

Signed:

Senator:

CARPENTER of York

Representatives:

CURRAN of Westbrook
LARRIVEE of Gorham
MCCORMICK of Rockport

Comes from the House, Bill and Accompanying Papers INDEFINITELY POSTPONED.

Which Reports were READ.

On motion by Senator BERUBE of Androscoggin, Report B, OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-965), ACCEPTED, in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "B" (H-965) READ and ADOPTED.

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

Senator BALDACCI: Mr. President, a parliamentary inquiry.

THE PRESIDENT: The Senator may state his inquiry.

Senator BALDACCI: Would it be appropriate to move for suspension of the Rules for the purposes of giving this Bill its Second Reading at this time?

THE PRESIDENT: The Chair would answer in the affirmative, but would wish the Senator would defer.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

(See action later today.)

Senate

Ought Not to Pass

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

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Regulate Trash to Energy Waste Recovery Corporations"

S.P. 803 L.D. 2051

Leave to Withdraw

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

Senator BUSTIN for the Committee on BANKING AND INSURANCE on Bill "An Act Concerning the Discontinuance and Replacement of Group Health Insurance"

S.P. 880 L.D. 2250

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Ensure Timely and Equitable Treatment of Discrimination Complaints Made to the Maine Human Rights Commission"

S.P. 948 L.D. 2399

Ought to Pass

Senator TITCOMB for the Committee on HUMAN RESOURCES on Resolve, to Reauthorize the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards

S.P. 964 L.D. 2431

Reported that the same Ought to Pass.
Which Report was READ and ACCEPTED.
The Resolve READ ONCE.
The Resolve TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

Senator CLARK for the Committee on AGING, RETIREMENT AND VETERANS on Bill "An Act to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System"

S.P. 958 L.D. 2422

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-616).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-616) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator ESTES for the Committee on EDUCATION on Bill "An Act Relating to Restructuring Maine Public Schools"

S.P. 930 L.D. 2359

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-614).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-614) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BALDACCIO for the Committee on LEGAL AFFAIRS on Bill "An Act Regarding the Operation of Bottle Clubs" (Emergency)

S.P. 942 L.D. 2380

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-615).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-615) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator BALDACCIO for the Committee on TAXATION on Bill "An Act to Implement Changes to the Homestead Property Tax Exemption Law" (Emergency)

S.P. 827 L.D. 2135

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-613).
Which Report was READ and ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-613) READ and ADOPTED.
The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act to Adjust Commercial Motor Vehicle Fees"

H.P. 1379 L.D. 1910
(C "A" H-948)

Bill "An Act to Clarify the Role of the Board of Environmental Protection"

H.P. 1602 L.D. 2214
(C "A" H-950)

Bill "An Act to Amend Certain Provisions in Marine Resources Laws" (Emergency)

H.P. 1664 L.D. 2304
(C "A" H-949)

Bill "An Act Regarding Security and Training Functions within the Bureau of Capitol Security" (Emergency)

H.P. 1751 L.D. 2413
(C "A" H-945)

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

Bill "An Act Regarding Importation of Liquor"

H.P. 1741 L.D. 2405
(S "A" S-604 to C "A" H-951)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, AS AMENDED in NON-CONCURRENCE.
Sent down for concurrence.

Bill "An Act to Amend the Laws Relating to Whitewater Rafting"

H.P. 1648 L.D. 2281
(S "B" S-610 to C "A" H-935)

Which was 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 in NON-CONCURRENCE.

Senate As Amended

Bill "An Act to Establish a Consolidated Retirement Plan in the Maine State Retirement System for Participating Local Districts" (Emergency)

S.P. 742 L.D. 1946
(C "A" S-605)

Bill "An Act Creating the Long Pond Water District"

S.P. 916 L.D. 2322
(C "A" S-606)

Bill "An Act to Create the Winter Harbor Water District"

S.P. 917 L.D. 2323
(C "A" S-607)

Bill "An Act to Create the Columbia Falls Water District" (Emergency)

S.P. 939 L.D. 2374

(C "A" S-608)

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 Regarding Certain Resource Protection Zones within Shoreland Zoning Areas

S.P. 765 L.D. 1990
(C "A" S-582)

An Act to Protect Health Insurance Coverage for Citizens on Jury Duty

H.P. 1655 L.D. 2291
(C "A" H-920)

An Act to Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws

S.P. 908 L.D. 2311
(C "A" S-581)

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)

An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering

H.P. 1759 L.D. 2424

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 Creating an Educational Bonus for Affordable Housing, a Low-income Housing Tax Credit and a Fuel Assistance Reserve Fund

H.P. 332 L.D. 451
(H "A" H-939 to C "B" H-908)

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

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; S "B" S-568)

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you. Mr. President, Ladies and gentlemen of the Senate, I'd like to pose a question through the Chair, if I may.

THE PRESIDENT: The Senator may state her inquiry.

Senator CAHILL: We're considering, right now, L.D. 1932, "An Act to Promote and Assist Barrier-free Construction in Places of Public Accommodation and Places of Employment". It appears to me that this Bill imposes new construction standards, or at least new permit review standards, on any building or expansion of an existing building over \$100,000. It's also clear that this Bill applies to construction by municipalities and county governments and by school districts. There is no funding attached to this Bill, so I am a little concerned and I think we should take a long, hard look, particularly this year, to any piece of legislation that could cost or could impose extra costs on municipalities and county governments. But, I also

realize this Bill, I think, amends the current law, so I'm a little confused and I would like to have someone clear up my confusion so my question is, does L.D. 1932 create or expand any new requirements on municipal or county government or on school districts and does the Bill have any impact on the cost of construction to those units?

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who may care to respond.

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

Senator CLARK: Thank you. Mr. President, Men and Women of the Senate, the Senator from Sagadahoc has posed a rather comprehensive question to whomever among us is capable of responding. L.D. 1932 was my Bill. I do not have the file before me and am unable to respond to her specific question at the drop of a hat, so to speak. I would be happy to respond, if I have the question in writing and can do a little review, but to the extent that the fiscal note has been reviewed by not only the Office of Fiscal and Program Review and BPI, you will note that it does not have a fiscal note attached to this measure.

Much of what this law is addressing is currently present law and in a wide general sweep, what this measure would do would be to extend the current law to new construction and provide one-stop permitting or plan an architectural approval within the Office of the State Fire Marshall, who has assured the Committee, and the people involved in the deliberate fashion with which this measure has moved through the legislative process, that the fees which are attached to that approval process will be sufficient to fund the approval process.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I'm not exactly sure if that fully answers my question. I realize that the fiscal note has been stripped from the legislation, but my question really is, will this mandate do anything to impact municipalities and counties and school systems?

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

Senator CLARK: Thank you, Mr. President. In response to the question posed by the good Senator from Sagadahoc, it's difficult to listen to two people at once. I guess I'm a wee bit suspect by the carefully crafted question posed by the good Senator from Sagadahoc, for I feel as though the origination of the question is sincere. There is a genuineness to the inquiry, but I keep hearing that seven letter word, mandate. Are we suggesting that this Bill mandate something to local, county and particularly, school districts? And the answer is, what presently is mandated under law, as all laws do mandate, would extend to new construction, in that restoration, renovation and new construction, would by necessity, under Federal, as well as state law, be accessible to handicapped people.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you. Mr. President, Ladies and gentlemen of the Senate, I don't doubt, and I know very well, that this legislation is good legislation. I do and I am concerned that it adds a cost and I've been reading my mail lately, ladies and gentlemen, and people are telling me at the municipal levels that they don't want anymore costs imposed on them by state government, so I would request a Division.

Senator CAHILL of Sagadahoc requested a Division.

On motion by THE PRESIDENT, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, COLLINS, DILLENBACK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, GILL, HOLLOWAY, KANY, MATTHEWS, PEARSON, PERKINS, THERIAULT, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRAWN, CAHILL, CARPENTER, GOULD, LUDWIG, RANDALL, WEBSTER, WEYMOUTH

ABSENT: Senators EMERSON, HOBBS, WHITMORE

24 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 3 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act to Discourage Negative Campaign Practices
H.P. 1558 L.D. 2158
(C "A" H-919)

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, I won't take very much time this morning but I did want to stop just to bring your attention to a piece of legislation which I think is very significant and very important. Not only to all of us in this Chamber and all of us that hope to serve in government, but I think to the citizens of this state that have talked to many of us about campaigning and the unfortunate development of campaigning, the side that tends to be negative.

The Committee on Legal Affairs worked on legislation, both sponsored by the President and the Majority Leader of the Senate, "An Act to Discourage Negative Campaign Practices". Our Committee worked hard on this issue. It is complex. It sounds very cut and dry. It sounds like it should be very simple. But, it isn't, because of the concerns of our constitutional rights and freedom of speech and other kinds of things. We worked with the sponsors of the Bill and the Committee and came out with, I think, a very significant piece of legislation, an amendment which basically replaces the Bill, establishing a Maine Code of Fair Campaign Practices, a voluntary code of ethics.

Many professions, in many aspects of our society, organizations have codes of ethics. It's an established practice to try to bring some equity and fairness and fair play into whatever profession you're dealing with. With respect to the political system and campaigning, I think a Code of Ethics, a voluntary Code of Ethics, is long overdue and I want to take a minute just to cite what the Code will say.

The first part of the Code says, "I shall conduct my campaign and, to the extent reasonably possible, insist that my supporters conduct themselves in a manner consistent with the best of Maine and American traditions, discussing the issues and presenting my record and policies with sincerity and candor. I shall uphold the right of every qualified voter to

free and equal participation in the election process. I shall not participate in, and I shall condemn, defamation and other attacks on any opposing candidate or party that I do not believe to be truthful, provable or relevant to my campaign. I shall not use or authorize, and I shall condemn, material relating to my campaign which falsifies, misrepresents or distorts the facts, including, but not limited to, malicious or unfounded accusations, creating or exploiting doubts as to the morality, patriotism or motivations of any party or candidate. I shall not appeal to, and I shall condemn, appeals made based on prejudice, race, creed, sex or national origin. I shall not practice, and I shall condemn, practices that tend to corrupt or undermine the system of free election, or that hamper or prevent the free expression of the will of the voters. I shall promptly and publicly repudiate the support of any individual or group that resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods and violations of the letter and spirit of this Code." And then the candidate agrees to sign the Code.

It's a good start, ladies and gentlemen. It isn't just looking across the country at other states that have had problems with campaigning. We've had problems here in our state and rather than wait until we have the kinds of problems that other states are experiencing today, I think it behooves us to get involved in making sure that campaigning and the election process is as pure and as true as the founding fathers envisioned it to be. I'm very proud of this. I'm very proud of the members of my Committee on both sides of the aisle and I think this is a good start. Thank you, Mr. President.

On motion by Senator DUTREMBLE of York, supported by a Division of at least one-fifth the members present and voting, a Roll Call was ordered.

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

Senator GILL: Thank you, Mr. President. May I pose a question through the Chair to anyone who would answer the question?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator GILL: Is it my understanding that what we just heard is purely a voluntary proposal, that it's not required by anybody and there's no penalty involved here?

THE PRESIDENT: The Senator from Cumberland, Senator Gill, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you, Mr. President. This is a Bill that we debated long and hard because there's many concerns about what you should do or what you shouldn't do. This is a voluntary thing. As a practical point, no one is going to refuse to sign it, because I think it would be used against you in your campaign. I see that it does no harm and perhaps it will do some good. I think if people agree to rules and regulations, and they know what happens the last two weeks before the election, I think it puts them on record. They have agreed to what we all think should be done, the proper way to run a campaign, so I think you should support the Bill. Thank you.

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

Senator GILL: Mr. President, could I pose another question through the Chair to whomever would like to answer?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator GILL: I just would like to know, I didn't sit in on this at all and I'm reading this for the first time also, but did the Committee consider making it mandatory and putting a penalty on this if there were infractions?

THE PRESIDENT: The Senator from Cumberland, Senator Gill has posed an additional question through the Chair to any Senator who may care to respond. The Senator recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Thank you. Mr. President, Members of the Senate, very quickly, as the other member of the Legal Affairs Committee, I did, in fact, try to get that on the legislation that was in the Committee coming from the very high moral grounds of making sure that this thing was done. But, because of the constitutional problems with it, it was explained that it would be almost unconstitutional if it were made mandatory and it was with that proposal that we did have penalty provisions. But, I appreciate my good seatmate's comments.

THE PRESIDENT: The pending question before the Senate is ENACTMENT.

A vote of Yes will be in favor of ENACTMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: None

ABSENT: Senators EMERSON, HOBBS, WHITMORE

32 Senators having voted in the affirmative and No Senators having voted in the negative, with 3 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Facilitate Enforcement of Penalties for Desecration of a Cemetery

S.P. 719 L.D. 1894
(H "A" H-940 to C "A" S-560)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Require the Public Utilities Commission to Conduct an Analysis of the Comparative Environmental and Economic Impacts of Alternate Energy Resource Plans in Utility Proceedings

H.P. 1455 L.D. 2029
(C "A" H-925)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending PASSAGE TO BE ENACTED.

Emergency

An Act to Make Recommendations on the Governance of the Mackworth Island Public Trust Lands

H.P. 1608 L.D. 2221
(C "A" H-909)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Continue the Driver Education Evaluation Program

S.P. 871 L.D. 2233
(C "A" S-584)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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

H.P. 1665 L.D. 2305
(S "A" S-585)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the State Railroad Preservation and Assistance Act

H.P. 1724 L.D. 2383
(C "A" H-921)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Regarding Squa Pan Stream

H.P. 1742 L.D. 2406
(C "A" H-924)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 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.

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

Emergency

An Act to Extend the Deadline for the Solicitation of Funds for a Slain Law Enforcement Officers' Memorial

H.P. 1768 L.D. 2437

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

S.P. 607 L.D. 1701
(H "A" H-936 to C "B" S-551)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Concerning Reauthorization of the \$15,000,000 Bond Issue for Sewage Treatment, Water Quality Improvement Facilities and Restoration and Cleanup of Oil Contaminated Ground Water and Well Water

S.P. 941 L.D. 2379

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

Senator PEARSON: Mr. President, this is simply a reauthorization of a bond issue that is already authorized by the people of the state and allows them to continue to invest in sewage treatment water quality facilities on the smaller towns of Maine. We passed a law a number of years ago that said if you didn't use the money within a certain amount of time, it had to be reauthorized. This is what it does.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

RECALLED FROM ENGROSSING

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: Mr. President, is the Senate in possession of L.D. 2182?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been recalled from the Engrossing Department.

Bill "An Act to Regulate the Handling of Manure"

H.P. 1575 L.D. 2182

(C "A" H-910; H "A" H-946 to S "A" S-565;)

(In Senate, March 20, 1990, PASSED TO BE ENGROSSED as Amended, in concurrence.)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 980.)

On motion by Senator TWITCHELL of Oxford, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-910) was ADOPTED.

On further motion by same Senator, Senate Amendment "A" (S-599) to Committee Amendment "A" (H-910) READ and ADOPTED.

Committee Amendment "A" as Amended by Senate Amendment "A" (S-599) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

RECALLED FROM ENGROSSING

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

Senator PEARSON: Mr. President, is the Senate in possession of L.D. 2308?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been recalled from the Engrossing Department.

Bill "An Act to Deorganize Plantation E in Aroostook County" (Emergency)

H.P. 1667 L.D. 2308

(C "A" H-922)

(In Senate, March 19, 1990, PASSED TO BE ENGROSSED as Amended, in concurrence.)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 981, in concurrence.)

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-922) was ADOPTED.

On further motion by same Senator, Senate Amendment "B" (S-609) to Committee "A" (H-922) READ and ADOPTED.

Committee Amendment "A" (H-922) as Amended by Senate Amendment "B" (S-609) thereto, ADOPTED in NON-CONCURRENCE.

On motion by Senator TWITCHELL of Oxford, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-922) as Amended by Senate Amendment "B" (S-609) thereto.

On further motion by same Senator, Senate Amendment "A" (S-603) to Committee Amendment "A" (H-922) READ and ADOPTED.

Committee Amendment "A" (H-922) as Amended by Senate Amendment "A" (S-603) and "B" (S-609) thereto, ADOPTED in NON-CONCURRENCE.

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:

Bill "An Act to Make Revisions in the Drug Testing Laws"

S.P. 801 L.D. 2049
(C "A" S-600)

Tabled - March 23, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED
(In Senate, March 23, 1990, READ A SECOND TIME.)
On motion by Senator DUTREMBLE of York, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

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

COMMUNICATIONS

The Following Communication: S.P. 987
114TH MAINE LEGISLATURE
March 23, 1990

Senator Judy C. Kany
Rep. Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Cheryl H. Russell of Lincoln Center for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 ENERGY AND NATURAL RESOURCES.
Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333
March 23, 1990

To the Honorable Members of the 114th Legislature:

I am returning without my signature or approval S.P. 751, L.D. 1959, An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System. This legislation would add three voting members to the Board of Trustees of the Maine State Retirement System by including two additional members on the Board and by granting voting rights to the State Treasurer, who now serves as a non-voting member.

In vetoing this legislation, I am guided by the unanimous opposition of the current Board of Trustees as well as by the recommendations of the bi-partisan Committee to Study the Retirement System.

On February 14, the Board of Trustees adopted a resolution requesting that I veto L.D. 1959 on the grounds that the current size, mix, and constituency [of the Board] are "proper to administer the System for the best interest of all participants and

beneficiaries." In exercising their fiduciary responsibilities, all of the trustees serve and represent the interests of all the beneficiaries and participants of the retirement system. This is demonstrated by the fact that the Board members also serve as the trustees of the judicial and legislative retirement systems, yet those branches of government do not have specific delegates on the Board. Finally, in adopting this resolution, the trustees expressly noted that their position was not intended to reflect adversely on any one individual or group, and I share their sentiments in this regard.

L.D. 1959 is also contrary to the recommendations of the Committee to Study the Retirement System, which was established by P.L. 1987, c. 68. In its March 1988 report, the Committee specifically advised against expanding the size of the Board of Trustees and warned against creating a situation in which voting might be deadlocked due to the addition of trustees bringing the membership to an even number. By increasing the voting membership from seven to ten, L.D. 1959 is not consistent with these recommendations.

In light of the recommendations of both the Board and the Committee, I believe that the current structure of the Board works well and that its expansion would not improve the operations of the Maine State Retirement System. Under current budgetary constraints, there is no justification for enlarging a governmental entity which is already effectively performing its mission. Accordingly, I urge you to sustain my veto of L.D. 1959.

Sincerely,
S/JOHN R. MCKERNAN, JR.
Governor

Which was READ and ORDERED PLACED ON FILE.

The Accompanying Bill:
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)

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

Senator TITCOMB: Thank you, Mr. President. I would speak to the Senate today in an effort to override the veto of the Governor. This Bill came before our Committee, Aging, Retirement and Veterans, and did receive a Majority Ought to Pass. The purpose of this Bill is to provide representation on the Board of Trustees of the Maine State Retirement System to those who pay into that Retirement System, a simple matter of equal representation.

This issue has been debated many times over the years. The Bill has been defeated in the past because of differences between separate public employee organizations, specifically between AFSCME and MSEA. These differences have finally been resolved and the way is clear, at last, to enact this long-awaited legislation which provides a voice on the Board to those who pay into the System and are currently excluded. Currently, virtually all others, who pay into the Retirement System, have a seat on the Board: state employees, state and municipal managers, teachers and retirees; yet, there is no representation for more than 3800 employee members of participating local districts.

The Bill, as originally proposed, calls for adding one member, representing local employees, to the Board. In an attempt at compromise and accommodation, the Committee Amendment added a member representing Maine School Management Association, which also has members not represented on the Board, and gives the State Treasurer, who currently sits on

the Board, full voting rights, as with all other boards and commissions of which the Treasurer is a member.

The concept behind this Bill is simple and it is fair - equitable representation for those who pay, a concept which dates back a long way in our history. In the past, the major problem in passing this Bill has been the differences between public employee groups. Those hurdles have been cleared and finally, this long-awaited for legislation has been passed out of our Committee with an Ought to Pass. Please support an override of the Governor's veto.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you. Mr. President, Ladies and Gentlemen of the Senate, I would hope that you would vote today to sustain the Governor's veto for two simple reasons. The first one is, about two years ago, the Monks Commission studied the issue relating to the make-up of the Board of Trustees of the Maine State Retirement System. That study recommended not to change the size of the board. Secondly, the Board of Trustees, themselves, this very year, voted unanimously not to increase the size of the Board.

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

Senator CLARK: Thank you, Mr. President. I think that the debate on this issue may be reasonably short or brief because the Senate chair of the Committee on Aging, Retirement and Veterans has synthesized and summarized my position on L.D. 1959 very nicely.

The good Senator from Sagadahoc has reminded us that the Monks Commission studied the make-up of the Maine State Retirement System and said that the numbers on the Board of Trustees were fine and dandy. Well, the Monks Commission made a number of other recommendations and this Administration has, in fact, disregarded one of them, mainly by extending the amortization of the state's unfunded liability from twenty to thirty years. I find it interesting that the Administration would respond to the unanimous position of the Board of Trustees at their meeting at Sugarloaf in a month just gone by, when, in fact, if we review the statutes, as I mentioned in earlier debate when this Bill was moving through the legislative process, it is the Legislature that determines the policy and the structure of the Maine State Retirement System, not the Board of Trustees, which is charged with operating the System and making good investments of the monies in the millions and billions that comes to that Board.

I know that the Board of Trustees is very happy with its current membership and, indeed, that is how it should be, because all of those people are qualified and are approved through the confirmation process. But, I submit to you, that there is, in fact, that element or that philosophy which does require and which has been reflected in the Board's membership over these many years and that is why I love equitable representation.

It's a concept that we, in democratic societies cherish and properly so. It is a concept with which we pursue in our deliberations here in the Legislature and yet, it is a concept which is not reflected in the membership of the Board of Trustees. The good Senator from Cumberland, Senator Titcomb, has highlighted the thousands of employees who do not have their representative on the Board as other state employees are represented with elected representatives of the Maine Teachers Association and the Maine State Employees Association. The fact that L.D. 1959 would have been unacceptable to this

Governor and his Administration if, in fact, we had stripped first, the Treasurer's voting and then the Maine School Management Association representative, in no way, adds credibility to the veto.

For upon gentle inquiry, the response was, the Board of Trustees likes it the way it is and sees no need for thousands of Maine state employees represented by AFSCME and local participating districts to have their representative on the Board as originally proposed in L.D. 1959 and certainly, doesn't want the State Treasurer, who has a vote on every other board or panel in which he serves, to have a vote and last, he doesn't want Maine School Management to be represented on the Board of Trustees. Well, frankly, we shall see.

I have not lobbied this issue and members of our caucus are free to vote to sustain or to override as they wish to do and I know that is, in fact, what they would do anyway, for that is what makes us members of the diversified Democratic party. But, for me, and speaking as an individual, I'd be happy to continue to support the philosophy and the concept embraced in our own laws that places authority or organization of the Maine State Board of Trustees of the Retirement System to be determined by the Legislature and not the Board of Trustees of that Retirement System, itself. Frankly, I think they have overstepped the boundaries with which they are guided. Thank you, Mr. President.

THE PRESIDENT: The pending question is, "Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, GILL, GOULD, HOLLOWAY, LUDWIG, PERKINS, RANDALL, WEBSTER, WEYMOUTH

ABSENT: Senators EMERSON, HOBBS, WHITMORE
19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, and 19 being less than two-thirds of the membership present and voting, the veto is SUSTAINED.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

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

Bill "An Act to Amend the Laws Relating to Whitewater Rafting"

H.P. 1648 L.D. 2281
(S "B" S-610 to C "A"
H-935)

Tabled - March 26, 1990, by Senator CLARK of Cumberland

Pending - PASSAGE TO BE ENGROSSED, AS AMENDED, in NON-CONCURRENCE

(In Senate, March 26, 1990, READ A SECOND TIME.)
 On motion by Senator CLARK of Cumberland, Tabled
 1 Legislative Day, pending PASSAGE TO BE ENGROSSED,
 AS AMENDED in NON-CONCURRENCE.

Senator BALDACCI of Penobscot, under unanimous
 consent, moved that the Senate RECONSIDER its action
 whereby it ASSIGNED FOR SECOND READING

Bill "An Act to Reform County Government"

H.P. 1603 L.D. 2215

(In Senate, March 26, 1990, Report "B" OUGHT TO
 PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-965)
 READ and ACCEPTED in NON-CONCURRENCE. The Bill READ
 ONCE. COMMITTEE AMENDMENT "B" (H-965) READ and
 ADOPTED.)

(In House, March 23, 1990, Bill and Accompanying
 Papers INDEFINITELY POSTPONED.)

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

Senator BALDACCI: A point of information, would
 that be the...

THE PRESIDENT: The Chair would inform the
 Senator that the Bill is now before the Senate.

Senator BALDACCI of Penobscot, moved the
 INDEFINITE POSTPONEMENT of the Bill and Accompanying
 Papers, in concurrence.

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

Senator BERUBE: Thank you, Mr. President. You
 know, I'm not a very good bridge player. I've never
 mastered the art of finessing, but I think we've been
 very outfinessed at this very moment, but, at any
 rate, we'll give it a shot.

I'll tell you why I feel that this Bill should
 not be indefinitely postponed. You know, there have
 been constant problems with county government as the
 years and centuries have gone by. What may have been
 good in medieval times or even in the days of
 colonialism in our country, are no longer true
 today. I would say that the Bill does not, at the
 outset, eliminate county government, and that seems
 to be a catchword in everybody's mind these days.
 But, it does not eliminate it.

What the recommendations do is help streamline it
 and hopefully, by the same token, address the
 negative impact that it has on the local property
 taxes. If you haven't heard from property taxpayers
 by now, I am sure you will at some point in time.
 What does this Report B do, the one that's before
 you? It actually is a watered-down version of
 recommendations that came out of our sub-committee on
 the study of county government, which was a unanimous
 report, by the way. It came as a result of a five
 month study and it addressed the functions, the
 efficiency and hopefully, cost-savings aspects of
 county government. It dealt with those issues
 without taking away the services that are so needed
 in some of our rural counties.

So, here's what it does. It sets up, first of
 all, a budget committee in all the sixteen counties.
 Presently, there are four counties that exist with
 budget committees. From all reports, that runs very,
 very smoothly and efficiently, so we're simply
 extending that privilege to all the other counties
 and we're doing it by statute. Each county would
 have a county clerk. That county clerk could be an
 administrator, become an administrator, but each
 county would have a committee clerk. The treasurers
 and registers of deeds would be appointed. The
 treasurers would have need of some qualifications,
 like in the area of business administration, finance
 and this sort of thing.

As you presently know, the realty transfer tax,
 which is entirely collected by the counties, by the
 work of the county employees, the counties retain
 only 10% of that. This Bill would say it retains 55%
 of the realty transfer tax. It would not touch one
 penny of the allocations to the housing authority,
 but they would have, at least, some access to money
 again with the intent of reducing the burden on
 property taxes.

The sheriffs would be required, and that was the
 issue that engendered the most controversy in the
 press, as elsewhere, the sheriffs would have to have
 some law enforcement or qualifications to become
 sheriff. Now, if a person were a former law
 enforcement officer, obviously, that would not impact
 them. If they were not involved in law enforcement,
 they would have six months after the election in
 which to find some way in which to learn how to be a
 law enforcement officer, much the same way as their
 deputies are. In our view, at least the view of the
 sub-committee, we felt that if a law enforcement
 officer were running around the county with a loaded
 gun on his person, had the authority to arrest
 people, had the authority to search people or search
 homes, we felt that, at least, there should be some
 sort of basic law enforcement knowledge and
 training. The sheriffs would continue to remain
 elected constitutional officers. They objected very
 strenuously to the initial proposal that said they
 would have been appointed, because, they said, well,
 we in the Legislature do not need qualifications and
 why should we, if we're elected officials, not need
 qualifications, but we might add that district
 attorneys cannot be elected to that post without some
 qualifications in the field of law. Also, the
 district attorneys would no longer represent the
 counties in civil matters only. So, if the County
 Commissioners or some county official were involved
 in some civil suit, they would have to get their own
 attorney.

The hearings engendered the support of the Maine
 County Commissioners Association, numerous municipal
 officials who, if you read this little bulletin
 passed on your desks, they are very concerned with
 the costs of property taxes at this point. Even the
 sheriff of a county who has been the most critical in
 the press recently, he even supported the initial
 initiative we were suggesting. County costs have
 gone up, in 1988, \$43 million, all paid by property
 taxes, by the way. The dollars raised by taxes
 increased by 155% within the last few years. That's
 quite a burden to put on the property taxes back in
 your home communities. Lewiston, my community, went
 from \$385,000 some 4 or 5 years ago to \$630,000 this
 year and next year will be assessed close to \$1.2
 million. That, my fellow citizens, is quite a burden
 on the property taxes of my community and all the
 other communities of this state, by the way. So,
 what this Bill attempted to do, this Report B, is a
 moderate attempt, one they could certainly live with,
 a moderate attempt to refine county government and
 try and find some cost-savings means in the process.
 I would hope that you would vote against the motion
 before you. Thank you.

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

Senator BALDACCI: Thank you. Mr. President,
 Members of the Senate, I would first like to point
 out that I did discuss the preceding motion and
 deliberation with the good Senator from Androscoggin,
 Senator Berube because I think the underlying
 foundation of our entire system is honesty, integrity
 and communication with each other and I think that
 it's very important for nobody to be blindsided. If

it ever does happen that it happens by mistake, rather than by design. I discussed it with my seatmates, representing the other side and with the Majority Leader, Senator Clark of Cumberland. I tried to discuss it with the good Senator from York, Senator Carpenter, who's a member of the Committee, to let them know what I was intending to do. I appreciate the good Senator from Androscoggin's point but it was discussed with her.

As far as Report B, all I can say is that a procedure with me that I respect the work that the people on the Committee are doing and I wanted to show my consideration for the work that they had done. It was a study. They put time and effort into it and I didn't think it should be just let go in a cavalier fashion. But, I think the important thing is that we don't have the money. An effort on property tax relief is very admirable but I think that it's very important to face reality at this time, in this legislative session. Mr. President, when the vote is taken, I request it be taken by the yeas and nays.

On motion by Senator BALDACCI of Penobscot, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator KANY: Thank you. Mr. President, Members of the Senate, unfortunately I believe I know how this vote is going to go, but I could not let this occasion pass by without commending the State and Local Government Committee, under the leadership of our good Senator from Androscoggin, Senator Berube and Representative Joseph from Waterville.

Actually, the study was one of the most thorough that I have seen. It was not done in a cursory manner at all. There was a thorough, intense evaluation of the functions of county government and seeking perhaps the most appropriate way for those roles to be addressed and those services provided to Maine people. The Committee really worked in a fashion that is reminiscent of the work done by the Audit and Program Review Committee which does the in-depth studies of all of our agencies and programs, every ten years. This is the first time in all the studies that I've seen on county government that, actually, the approach has been such. It really was an outstanding job and I strongly support the effort of the Committee.

THE PRESIDENT: The pending question before the Senate is the motion of Senator BALDACCI of Penobscot to INDEFINITELY POSTPONE Bill and Accompanying Papers.

A vote of Yes will be in favor of INDEFINITE POSTPONEMENT.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BOST, BRANNIGAN, BRAUN, BUSTIN, CAHILL, CARPENTER, COLLINS, ERWIN, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, TWITCHELL, WEBSTER, WEYMOUTH

NAYS: Senators ANDREWS, BERUBE, CLARK, DILLENBACK, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, KANY, THERIAULT, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators EMERSON, HOBBS, WHITMORE

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator BALDACCI of Penobscot, to INDEFINITELY POSTPONE Bill and Accompanying Papers, in concurrence, PREVAILED.

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

Off Record Remarks

On motion by Senator PEARSON of Penobscot, ADJOURNED until Tuesday, March 27, 1990, at 8:30 in the morning.