

# 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

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

In Senate Chamber  
Tuesday  
March 27, 1990

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutillier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mitchell, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hussey, Hutchins, Jackson, Libby, Look, Lord, MacBride, Marsh, Merrill, Murphy, Norton, Parent, Pendleton, Pines, Reed, Richards, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Foster, Higgins, Larrivee, Lawrence, Lebowitz, Marsano, Marston, McCormick, McPherson, Mills, Moholland, Nadeau, G. G.; Paradis, E.; Ruhlin, Seavey, Sherburne, Strout, D.

Yes, 89; No, 45; Absent, 17; Paired, 0; Excused, 0.

89 having voted in the affirmative and 45 in the negative with 17 being absent. L.D. 1666 was passed to be engrossed as amended by Committee Amendment "C" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for March 28, 1990.

On motion of Representative Hussey of Milo, Adjourned until Wednesday, March 28, 1990, at nine o'clock in the morning.

Senate called to Order by the President.

Prayer by Reverend Charles Johnson of the Christ Episcopal Church in Gardiner.

REVEREND CHARLES JOHNSON: Good morning. A word from the gospel of Matthew. "Come to Me all who labor and are heavy laden, and I will give you rest. Take My yoke upon you and learn from Me, for I am gentle and lowly in heart, and you will find rest for your souls, for My yoke is easy, and My burden is light."

Let us pray. First in silence as we seek to know how the Lord would have us serve Him on this day.

O mighty God, our heavenly Father, send down upon those who hold office in this Senate of the State of Maine, the spirit of wisdom, the spirit of charity, the spirit of justice. That with steadfast purpose they may faithfully serve in their office to promote the well-being of all people. And grant, O God, that Your holy and life giving Spirit may so move every human heart in this state, that barriers which divide us may crumble, suspicions disappear, and hatred cease. That our divisions being healed we may live in justice and peace, through Jesus Christ our Lord. Amen. May the peace of the Lord be with you.

Reading of the Journal of Monday, March 26, 1990

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs"

H.P. 1541 L.D. 2126  
(C "A" H-874)

In Senate, March 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874) AS AMENDED BY HOUSE AMENDMENT "A" (H-989) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137  
(S "A" S-590)

In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-590).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-988) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Pharmacy Services to Nursing Home Residents"

S.P. 886 L.D. 2262

(C "A" S-586)

In Senate, March 19, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-586) AS AMENDED BY HOUSE AMENDMENT "A" (H-969) thereto, in NON-CONCURRENCE.

On motion by Senator GAUVREAU of Androscoggin, the Senate RECEDED and CONCURRED.

Non-concurrent Matter

Resolve, Establishing the Commission to Assess the Impact of Increased State Spending on the University of Maine System (Emergency)

H.P. 1637 L.D. 2270

(C "A" H-928)

In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-928), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-928) AS AMENDED BY HOUSE AMENDMENT "A" (H-998) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Resolve, Authorizing Rommy Haines to Present a Claim for 3rd-party Damages to a Board of Arbitration a 2nd Time

H.P. 1780 L.D. 2449

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

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

COMMUNICATIONS

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY  
March 23, 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 Judiciary has had under consideration the nomination of the Honorable Bernard M. Divine of Falmouth, for appointment as Active Retired Judge of the Maine District Court.

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. Anthony of South Portland, Rep. Hanley of Paris	

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 the Honorable Bernard M. Divine of Falmouth, for appointment as Active Retired Judge of the Maine District Court be confirmed.

Sincerely,

S/Senator Barry J. Hobbins      S/Rep. Patrick E. Paradis  
Senate Chair                      House Chair

Which was READ and ORDERED PLACED ON FILE.

The President noted the absence of Senator BRAWN of Knox and excused her from today's Roll Call votes.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Honorable Bernard M. Divine of Falmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS:            Senators None  
NAYS:            Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, ESTES, ESTY, GAUVREAU, GILL, GOULD, HOBBS, HOLLOWAY, KANY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TITCOMB, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

ABSENT:        Senators ANDREWS, WHITMORE

EXCUSED:        Senator BRAWN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being excused, 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 Bernard M. Divine, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY  
March 23, 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 Judiciary has had under consideration the nomination of the Honorable Margaret J. Kravchuk of Bangor, for appointment as Justice, Maine Superior Court.

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. Anthony of South Portland	

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 the Honorable Margaret J. Kravchuk of Bangor, for appointment as Justice, Maine Superior Court be confirmed.

Sincerely,  
S/Senator Barry J. Hobbins S/Rep. Patrick E. Paradis  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have only risen once before on a Nomination for a Judge, and that was our former colleague, Senator Samuel Collins.

I really wish that this was not approved, in as much, that I think that the Honorable Margaret J. Kravchuk did such a fine job on the District Court level, that it is a shame to loose her on that level. She is not a flashy person, she is simply a hard worker who does her job, and she does it very, very well. She will be a credit to the Superior Court, but a big loss to the District Court.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Honorable Margaret J. Kravchuk of Bangor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators ANDREWS, WHITMORE

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being excused, 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 Margaret J. Kravchuk, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Authorizing the Town of Howland to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project" (Emergency)

H.P. 1784 L.D. 2454

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

Under suspension of the Rules, ordered sent forthwith to the Engraving Department.

The Following Communication:

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

March 23, 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 Judiciary has had under consideration the nomination of James E. Smith of North Whitefield, for reappointment as a member of the Workers' Compensation Commission.

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

YEAS: Senators 3  
Representatives 8

NAYS: 0

ABSENT: 2 Rep. Anthony of South Portland, Rep. Hanley of Paris

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 E. Smith of North Whitefield, for reappointment as a member of the Workers' Compensation Commission be confirmed.

Sincerely,

S/Senator Barry J. Hobbins S/Rep. Patrick E. Paradis  
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of James E. Smith of North Whitefield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators ANDREWS, WHITMORE

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2

Senators being absent, and 1 Senator being excused, 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 E. Smith, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

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 Paul K. Vestal, Jr., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:  
 ONE HUNDRED AND FOURTEENTH LEGISLATURE  
 COMMITTEE ON JUDICIARY  
 March 23, 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 Judiciary has had under consideration the nomination of Paul K. Vestal, Jr. of Skowhegan, for appointment as a member of the Maine Human Rights Commission.

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

YEAS: Senators 3  
 Representatives 9

NAYS: 0

ABSENT: 1 Rep. Anthony of South Portland

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 Paul K. Vestal, Jr. of Skowhegan, for appointment as a member of the Maine Human Rights Commission be confirmed.

Sincerely,

S/Senator Barry J. Hobbins S/Rep. Patrick E. Paradis  
 Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Paul K. Vestal, Jr. of Skowhegan be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 114th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators ANDREWS, WHITMORE

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 Senator being excused,

SENATE PAPERS

Bill "An Act to Ensure the Proper Payment of Property Tax Relief Funds"

S.P. 988 L.D. 2451

Presented by Senator TITCOMB of Cumberland  
 Cosponsored by Senator ANDREWS of Cumberland,  
 Representative CASHMAN of Old Town and  
 Representative LORD of Waterboro

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Leave to Withdraw

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

The Committee on BANKING AND INSURANCE on Bill "An Act Concerning Discontinuance and Replacement of Group Accident and Health Insurance"

H.P. 1427 L.D. 1979

The Committee on HUMAN RESOURCES on Bill "An Act Relating to the ASPIRE Program"

H.P. 1555 L.D. 2155

The Committee on HUMAN RESOURCES on Bill "An Act to Modify the Procedure for Establishing the Hospital Development Account Credit"

H.P. 1760 L.D. 2425

The Committee on HUMAN RESOURCES on Bill "An Act to Extend the Certificate of Need Program to All Major Medical Equipment, Raise the Threshold for Review of Certain Projects and Improve Access to Care in Nonhospital Settings"

H.P. 1765 L.D. 2433

The Committee on JUDICIARY on Bill "An Act Regarding Liability for Nuclear Waste"

H.P. 1714 L.D. 2367

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Concerning the Collection of Inspection Fees for Overboard Discharge"

H.P. 1740 L.D. 2404

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-962).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962) AS AMENDED BY HOUSE AMENDMENT "A" (H-983) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-962) READ.

House Amendment "A" (H-983) to Committee Amendment "A" (H-962) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-962) as Amended by House Amendment "A" (H-983) thereto, ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Amend the Definition of Public Way"

H.P. 1645 L.D. 2278

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-971).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-971).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-971) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on TAXATION on Bill "An Act to Clarify Eligibility Requirements for the Open Space Land Program"

H.P. 1639 L.D. 2272

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-973).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-973) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act to Amend the Laws Pertaining to Preadmission Assessment"

H.P. 1652 L.D. 2285

Reported that the same Ought Not to Pass.

Signed:

Senators:

- GAUVREAU of Androscoggin
- TITCOMB of Cumberland

Representatives:

- MANNING of Portland
- PEDERSON of Bangor
- BURKE of Vassalboro
- CATHCART of Orono
- CLARK of Brunswick
- BOUTILIER of Lewiston
- ROLDE of York

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-985).

Signed:

Senator:

- RANDALL of Washington

Representatives:

- DELLERT of Gardiner
- HEPBURN of Skowhegan
- PENDLETON of Scarborough

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

Which Reports were READ.

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

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would request

that the good Senator from Androscoggin, Senator Gauvreau, give a brief description of what this Bill does.

THE PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Department of Human Services had offered for our consideration this year, L.D. 2285, which addresses the issues of residence of who are living in boarding care homes.

Many of the individuals who do receive boarding care in our state are eligible for state reimbursement services for their housing expenses and their care. The Department concern relates to individuals who are in boarding care situations, and who may or may not be medically eligible for such services. In other words, are the limitations on their daily lives so severe that they require this type of boarding care? What the Department was proposing, that unless an individual in a boarding care situation could demonstrate that he or she had such severe restrictions, the Department could refuse to reimburse that person for his or her care.

The majority of the Committee felt the legislation was premature in the sense the Department had not yet completed a survey to determine where these residences would go if they were not allowed to stay in boarding care situations. Although the Department indicated a belief that the individuals may return to private placements in homes, with their families, the Committee also received evidence that many of these individuals, if they were not in boarding care situations, would actually go into nursing homes, and require a higher level of care, and actually cost additional state dollars under the medicare program for a higher level of long term care.

The majority of the Committee felt this legislation was truly premature, that we asked the Department to come back next year with specific data on where the residence of boarding care facilities would likely go if they were denied reimbursement for their care. So simply, the majority of the Committee was premature until the Department had done a thorough survey and reported back to the Committee with specific data on what the likely implications would be if we denied reimbursement for residence of boarding care facilities who were deemed under the Department standards, not to be medically eligible for those services.

On motion by Senator CLARK of Cumberland supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator WEBSTER of Franklin moved the INDEFINITE POSTPONEMENT of the Bill and Accompanying Papers.

At the request of Senator DUTREMBLE of York, a Division was had. 19 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator WEBSTER of Franklin, to INDEFINITELY POSTPONE the Bill and all Accompanying Papers, PREVAILED.

Senate

Ought to Pass As Amended

Senator BUSTIN for the Joint Select Committee on CORRECTIONS on Bill "An Act Relating to the Maine Correctional Advisory Commission" (Emergency)

S.P. 60 L.D. 43

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-618).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.  
Committee Amendment "B" (S-618) READ and ADOPTED.  
The Bill as Amended, LATER TODAY ASSIGNED FOR  
SECOND READING.

Senator HOBBS for the Committee on JUDICIARY on  
Bill "An Act to Strengthen the Laws Regarding the  
Casual Disposal of Solid Waste" (Emergency)  
S.P. 891 L.D. 2267  
Reported that the same Ought to Pass as Amended  
by Committee Amendment "A" (S-619).  
Which Report was READ and ACCEPTED.  
The Bill READ ONCE.  
Committee Amendment "A" (S-619) READ and ADOPTED.  
The Bill as Amended, LATER TODAY ASSIGNED FOR  
SECOND READING.

SECOND READERS

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

House As Amended  
Bill "An Act to Amend the Child and Family  
Services and Child Protection Act"  
H.P. 1611 L.D. 2227  
(C "A" H-952)

Bill "An Act to Amend the State's Hazardous  
Materials and Underground Tank Installer Laws"  
(Emergency)  
H.P. 1729 L.D. 2388  
(C "A" H-961)

Resolve, to Establish a Model Coordinated  
Response System for Child Abuse Referrals in  
Penobscot and Piscataquis Counties (Emergency)  
H.P. 1752 L.D. 2415  
(C "A" H-956; H "A"  
H-970)

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  
(C "A" H-960)

Bill "An Act to Amend the Laws Concerning the  
Theft of Blueberries"  
H.P. 1757 L.D. 2434  
(C "A" H-967)

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

Senate

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  
Which was READ A SECOND TIME and PASSED TO BE  
ENGROSSED.  
Sent down for concurrence.

Senate As Amended

Bill "An Act Regarding the Operation of Bottle  
Clubs" (Emergency)  
S.P. 942 L.D. 2380  
(C "A" S-615)  
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  
(C "A" S-616)

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

Bill "An Act Relating to Restructuring Maine  
Public Schools"

S.P. 930 L.D. 2359  
(C "A" S-614)

Which was READ A SECOND TIME.

On motion by Senator CLARK of Cumberland, Tabled  
Unassigned pending PASSAGE TO BE ENGROSSED AS AMENDED.

Bill "An Act to Implement Changes to the  
Homestead Property Tax Exemption Law" (Emergency)  
S.P. 827 L.D. 2135  
(C "A" S-613)

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

Under suspension of the Rules, ordered sent  
forthwith to the Engrossing Department.

ENACTORS

The Committee on Engrossed Bills reported as  
truly and strictly engrossed the following:  
An Act Concerning Public Utilities

S.P. 761 L.D. 1986  
(S "A" S-574 to C "A"  
S-561)

An Act to Limit the Role of Rating Organizations  
in Property and Casualty Rate Making  
H.P. 1627 L.D. 2249  
(C "A" H-905)

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

ORDERS OF THE DAY

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

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

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

Tabled - March 26, 1990, by Senator DUTREMBLE of  
York.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED  
(In Senate, March 23, 1990, READ A SECOND TIME.)

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

The Chair laid before the Senate the Tabled and  
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.)  
(In House, March 20, 1990, PASSED TO BE ENGROSSED

AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935).)  
Which was PASSED TO BE ENGROSSED, as Amended in  
NON-CONCURRENCE.

Sent down for concurrence.

Off Record Remarks



HELD BILL

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

Senator BERUBE: Thank You Mr. President. Mr. President, is the Senate in possession of L.D. 2447?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

On motion By Senator BERUBE of Androscoggin, the Senate RECONSIDERED whereby it PASSED TO BE ENGROSSED, without reference to a Committee:

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

(Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.)

(In Senate, March 26, 1990, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.)

On further motion by same Senator, Senate Amendment "A" (S-620) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee.

Sent down for concurrence.

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

Off Record Remarks

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.

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

On motion by Senator ESTES of York, RECESSED until the sound of the Bell.

After Recess

Senate called to order by the President.

Off Record Remarks

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

ENACTORS

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

Emergency

An Act Authorizing the Town of Howland to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project

H.P. 1784 L.D. 2454

This being an Emergency Measure and having received the affirmative vote of 25 Members of the

Senate, with No Senators having voted in negative, and 25 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.

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

SECOND READERS

House As Amended

Bill "An Act to Clarify Eligibility Requirements for the Open Space Land Program"

H.P. 1639 L.D. 2272

(C "A" H-973)

Bill "An Act to Amend the Definition of Public Way"

H.P. 1645 L.D. 2278

(C "A" H-971)

Bill "An Act Concerning the Collection of Inspection Fees for Overboard Discharge"

H.P. 1740 L.D. 2404

(H "A" H-983 to C "A" H-962)

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

Senate As Amended

Bill "An Act Relating to the Maine Correctional Advisory Commission" (Emergency)

S.P. 60 L.D. 43

(C "B" S-618)

Bill "An Act to Strengthen the Laws Regarding the Casual Disposal of Solid Waste" (Emergency)

S.P. 891 L.D. 2267

(C "A" S-619)

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

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator TITCOMB for the Committee on HUMAN RESOURCES on Bill "An Act to Clarify and Improve the General Assistance Laws"

S.P. 712 L.D. 1889

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-622).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-622) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Senator GAUVREAU for the Committee on HUMAN RESOURCES on Bill "An Act to Assist the Department of Human Services in Conducting Chronic Disease Investigations and Evaluating the Completeness or Data Quality of its Disease Surveillance Programs"

S.P. 807 L.D. 2070

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-621).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-621) READ and ADOPTED.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later 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 27, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED  
(In Senate, March 23, 1990, READ A SECOND TIME.)  
Which was PASSED TO BE ENGROSSED AS AMENDED.  
Sent down for concurrence.

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

Off Record Remarks

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

After Recess

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  
Non-concurrent Matter

Bill "An Act to Amend the Natural Resources Protection Act"

S.P. 894 L.D. 2276  
(C "A" S-594)

In Senate, March 22, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-594) AS AMENDED BY HOUSE AMENDMENT "A" (H-987) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Require the State to Provide Full Funding for All Mandates Having an Impact on the Expenses of County and Municipal Governments"

H.P. 1783 L.D. 2453

Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Major Maintenance Problems in Public School Facilities"

H.P. 1786 L.D. 2456

Come from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which were referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Resolve, Authorizing the Alna Store, Incorporated and Its Proprietors to Sue the State

H.P. 1782 L.D. 2452

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

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

Bill "An Act to Provide an Income Tax Credit for the Use of Recycled Wood Waste as Fuel"

H.P. 1785 L.D. 2455

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

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

Joint Resolution

The Following Joint Resolution: H.P. 1787  
JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO URGE THE REVISION OF THE "TAKE TITLE" PROVISION CONCERNING LOW-LEVEL RADIOACTIVE WASTE IN PUBLIC LAW 99-240

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 Congress of the United States, as follows:

WHEREAS, current federal law obligates states to take title to, own and be liable for damages associated with low-level radioactive waste; and

WHEREAS, low-level radioactive waste can cause untold amounts of damage to health, property and the environment; and

WHEREAS, the costs of the liability for these damages could be enormous and might possibly bankrupt the State; and

WHEREAS, the largest portions and the most dangerous classes of low-level radioactive waste are produced by private corporations; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and Congress of the United States to take action to amend the provision in Public Law 99-240 obligating states to take title and be held liable for low-level radioactive waste to remove a dangerous financial risk to the State; and be it further

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

Comes from the House READ and ADOPTED.

Which was READ and ADOPTED, in concurrence.

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 Resolve, Concerning the Interstate or Foreign Commerce Sales and Use Tax Exemption

H.P. 1390 L.D. 1920

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources"

H.P. 1243 L.D. 1734

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-975).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-975).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-975) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on AGRICULTURE on Resolve, Providing for a Study of the Establishment of a Testing Program for the Purity of Agricultural Food Products

H.P. 1689 L.D. 2339

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-977).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-977).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-977) READ and ADOPTED, in concurrence.

The Resolve as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Extend and Amend the Authorization of the Maine High-Risk Insurance Organization" (Emergency)

H.P. 1425 L.D. 1977

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-980).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-980).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-980) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on BANKING AND INSURANCE on Bill "An Act to Provide Private Remedies for Elderly Consumers Injured by Unfair Insurance Trade Practices"

H.P. 1600 L.D. 2224

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-979).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-979).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-979) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Bill "An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions"

H.P. 1336 L.D. 1853

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-986).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-986) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Clarify the Laws Governing Prelitigation Screening Panels" (Emergency)

H.P. 1409 L.D. 1957

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-984).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-984).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-984) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements"

H.P. 1613 L.D. 2230

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-981).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981) AS AMENDED BY HOUSE AMENDMENT "A" (H-1004) thereto.

Which Report was READ.

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

The Committee on UTILITIES on Bill "An Act to Allow Towns to Lay Pipes Under Railroad Tracks"

H.P. 1592 L.D. 2205

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-982).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-982).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-982) READ and ADOPTED, in concurrence.

The Bill as Amended, LATER TODAY ASSIGNED FOR SECOND READING.

SECOND READERS

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

Senate As Amended

Bill "An Act to Clarify and Improve the General Assistance Laws"

S.P. 712 L.D. 1889

(C "A" S-622)

Bill "An Act to Assist the Department of Human Services in Conducting Chronic Disease Investigations and Evaluating the Completeness or Data Quality of its Disease Surveillance Programs"

S.P. 807 L.D. 2070  
(C "A" S-621)

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 Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws

H.P. 814 L.D. 1126  
(H "C" H-958 to C "A" H-775)

An Act Related to Overcompensation

S.P. 743 L.D. 1947  
(H "B" H-890 to C "A" S-524)

An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers

H.P. 1500 L.D. 2077  
(H "A" H-957 to C "A" H-877)

An Act to Amend the State's Hazardous Waste Laws to Be Consistent with the Federal Hazardous and Solid Waste Laws

H.P. 1671 L.D. 2313  
(C "A" H-932)

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 Concerning Educational Enhancement

H.P. 762 L.D. 1066  
(H "A" H-959 to C "B" H-896)

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

An Act to Promote the Well-being and Rehabilitation of Children in Need of Care, Treatment or Shelter

H.P. 1761 L.D. 2426  
(C "A" H-938)

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

Resolve

Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Richmond, Maine

H.P. 1686 L.D. 2334  
(C "A" H-942)

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

Resolve, to Create a Pilot Project for a Substance Abuse Halfway House for Pregnant Women and Mothers with Young Children

H.P. 1647 L.D. 2280  
(C "A" H-937)

On motion by Senator PEARSON of Penobscot, placed

on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

Emergency

An Act to Provide for State Sharing of Certain Minor Capital Costs

S.P. 82 L.D. 83  
(C "B" S-587)

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

Emergency

An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket

S.P. 746 L.D. 1950  
(H "A" H-900; H "B" H-955 to C "A" S-547)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in negative, and 25 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 Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People

H.P. 1564 L.D. 2170  
(H "A" H-953 to C "A" H-931)

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

Emergency

An Act to Create an Appeals Procedure for the State Bidding Process

S.P. 895 L.D. 2277  
(H "A" H-968; S "A" S-576; C "A" S-571)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 Requiring Notice by Water Utilities Proposing to Initiate Condemnation Proceedings for Land for Water Treatment Facilities

H.P. 1663 L.D. 2303  
(C "A" H-934)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative, and 26 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 Concerning Security Deposits on Propane  
Gas Deliveries

H.P. 1684 L.D. 2330  
(C "A" H-933)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency  
An Act Concerning Private Wells Contaminated by  
Hazardous Substances

H.P. 1736 L.D. 2397  
(C "A" H-943)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency  
An Act to Provide for a Study of the Harness  
Racing Industry

H.P. 1749 L.D. 2412  
(C "A" H-941)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs"

H.P. 1541 L.D. 2126  
(C "A" H-874)

Tabled - March 27, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874), in concurrence.)

(In House, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874) AS AMENDED BY HOUSE AMENDMENT "A" (H-989) thereto, in NON-CONCURRENCE.)

On motion by Senator BRANNIGAN of Cumberland, 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-874).

House Amendment "A" (H-989) to Committee Amendment "A" (H-874) READ.

On further motion by same Senator, House Amendment "A" (H-989) to Committee Amendment "A" (H-874) INDEFINITELY POSTPONED in NON-CONCURRENCE

On further motion by same Senator, Senate Amendment "A" (S-624) to Committee Amendment "A" (H-874) READ and ADOPTED.

Committee Amendment "A" (H-874), as Amended by Senate Amendment "A" (S-624) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:

An Act to Improve the Organizational Structure of the Inland Fisheries and Wildlife Advisory Council

H.P. 1660 L.D. 2300  
(H "A" H-818; H "B" H-880)

Tabled - March 13, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 13, 1990, PASSED TO BE ENACTED.)

(In Senate, March 8, 1990, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-818) AND "B" (H-880).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-818).

On further motion by same Senator, Senate Amendment "A" (S-623) to House Amendment "A" (H-818) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator PEARSON: Thank you Mr. President. This is a measure for the Fisheries and Wildlife Advisory Committee. They want to have the new members appointed while we are still in session, because if they had to call the Committee in after session, this would cost them more money. This measure only removes the fiscal note on the Bill, and that is all it does.

Senate at Ease

Senate called to order by the President.

On further motion by same Senator, Senate Amendment "A" (S-623) to House Amendment "A" (H-818) ADOPTED.

House Amendment "A" (H-818), as Amended by Senate Amendment "A" (623) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

HOUSE REPORT - from Committee on LABOR on Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements"

H.P. 1613 L.D. 2230

Report - OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981).

Tabled - March 27, 1990, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of the Committee Report.  
(In Senate, March 27, 1990, the Report READ.)  
(In House, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981) AS AMENDED BY HOUSE AMENDMENT "A" (H-1004) thereto.)

On motion by Senator DUTREMBLE of York, ADJOURNED until Wednesday, March 28, 1990, at 9:00 in the morning.

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Senate at Ease  
Senate called to order by the President.

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Which Report was ACCEPTED, in concurrence.  
The Bill READ ONCE.  
Committee Amendment "A" (H-981) READ.  
House Amendment "A" (H-1004) to Committee Amendment "A" (H-981) READ.  
On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ADOPTION of House Amendment "A" (H-1004) to Committee Amendment "A" (H-981).

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Off Record Remarks

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

SECOND READERS  
House as Amended

Bill "An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources"

H.P. 1243 L.D. 1734  
(C "A" H-975)

Resolve, Providing for a Study of the Establishment of a Testing Program for the Purity of Agricultural Food Products

H.P. 1689 L.D. 2339  
(C "A" H-977)

Bill "An Act to Extend and Amend the Authorization for the Maine High-Risk Insurance Organization" (Emergency)

H.P. 1425 L.D. 1977  
(C "A" H-980)

Bill "An Act to Provide Private Remedies for Elderly Consumers Injured by Unfair Insurance Trade Practices"

H.P. 1600 L.D. 2224  
(C "A" H-979)

Bill "An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions"

H.P. 1336 L.D. 1853  
(C "A" H-986)

Bill "An Act to Clarify the Laws Governing Pre-litigation Screening Panels" (Emergency)

H.P. 1409 L.D. 1957  
(C "A" H-984)

Bill "An Act to Allow Towns to Lay Pipes Under Railroad Tracks"

H.P. 1592 L.D. 2205  
(C "A" H-982)

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

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Off Record Remarks