

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

ORDERS OF THE DAY

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1789)
Bill "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection" (EMERGENCY) (H.P. 1712) (L.D. 2363)

By unanimous consent, the House reconsidered its action whereby it voted to adhere.

Subsequently, the Bill was referred to the Committee on Legal Affairs and sent up for concurrence.

(Off Record Remarks)

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Representative Telow of Lewiston, Adjourned until Thursday, March 29, 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
Wednesday
March 28, 1990

Senate called to Order by the President.

Prayer by the Reverend David Bell of the United Methodist Church in Waldoboro.

REVEREND DAVID BELL: Forgiving God, remembering how tanks and armed soldiers are outside some of the legislative halls of our world, we give thanks for the freedom that all too often we take for granted. Help us remember that some of our Maine citizens are held in fear by abuse, some are held in worry by loss of jobs, some are held in financial ruin by ill health and some are in fear of our environment. Guide our Senate members as they try to find ways to set our Maine people free from the fears that hold them. Guide our Senate members as they seek to offer justice to all through the laws of our state. For this day of freedom we give thanks and pray for the guidance to preserve that freedom. Amen.

Reading of the Journal of Tuesday, March 27, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish the Department of Child and Family Services"

H.P. 1199 L.D. 1666
(C "C" H-820)

In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008) 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 Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

H.P. 1642 L.D. 2275
(C "A" H-902)

In Senate, March 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902) AS AMENDED BY HOUSE AMENDMENT "A" (H-1013) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Joint Orders

The following Joint Order: H.P. 1789
ORDERED, the Senate concurring, that Bill, "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection," H.P. 1712, L.D. 2363, and

all its accompanying papers, be recalled from the legislative files to the House.

Comes from the House READ and PASSED.
Which was READ.

Pursuant to Joint Rule 15, this Joint Order requires the affirmative vote of two-thirds of the members present and voting. 26 Senators having voted in the affirmative and No Senators having voted in the negative, and 26 being more than two-thirds of the members present and voting, the Joint Order was PASSED, in concurrence.

The following Joint Order: H.P. 1791
ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill, "An Act to Provide Funds for the Maine Solid Waste Management Fund" to the House.
Comes from the House READ and PASSED.
Which was READ and PASSED, in concurrence.

COMMITTEE REPORTS
House

Ought to Pass As Amended

The Joint Select Committee on CORRECTIONS on Bill "An Act to Create a Community Restitution Center"
H.P. 1640 L.D. 2273

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1002).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1002).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1002) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act to Provide Greater Opportunities for Orphans and Foster Children"

H.P. 1685 L.D. 2333

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1010).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1010).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1010) READ and ADOPTED, in concurrence.

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

The Committee on EDUCATION on Bill "An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System"

H.P. 1692 L.D. 2342

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-974).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-974) READ and ADOPTED, in concurrence.

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

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission"

H.P. 1709 L.D. 2358

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-990).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-990).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-990) READ and ADOPTED, in concurrence.

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

The Committee on HOUSING AND ECONOMIC DEVELOPMENT on Bill "An Act to Improve the Job Opportunities Zone Act"

H.P. 1690 L.D. 2340

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1003).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1003) AS AMENDED BY HOUSE AMENDMENT "A" (H-1011) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1003) READ.

House Amendment "A" (H-1011) to Committee Amendment "A" (H-1003) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-1003) as Amended by House Amendment "A" (H-1011) thereto, ADOPTED, in concurrence.

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

The Committee on HUMAN RESOURCES on Bill "An Act to Repeal Hospital Assessments Used to Fund State Programs"

H.P. 1358 L.D. 1875

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-976).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-976) AS AMENDED BY HOUSE AMENDMENT "A" (H-1005) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-976) READ.

House Amendment "A" (H-1005) to Committee Amendment "A" (H-976) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-976) as Amended by House Amendment "A" (H-1005) thereto, ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Provide for Forfeiture of Weapons Used in Crimes Against Persons"

H.P. 1651 L.D. 2284

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-995).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-995).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-995) READ and ADOPTED, in concurrence.

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

The Committee on JUDICIARY on Bill "An Act to Promote the Awareness and Responsibility of Owners of Firearms"

H.P. 1745 L.D. 2409

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-996).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-996).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-996) READ and ADOPTED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989" (Emergency)

H.P. 1727 L.D. 2386

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-992).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-992).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-992) READ and ADOPTED, in concurrence.

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

The Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Deorganize the Plantation of Prentiss in Penobscot County" (Emergency)

H.P. 1723 L.D. 2382

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-993).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-993).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-993) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Joint Select Committee on CORRECTIONS on Bill "An Act to Clarify County Responsibility for Support of Prisoners"

H.P. 1756 L.D. 2419

Reported that the same Ought Not to Pass.

Signed:

Senators:

MATTHEWS of Kennebec
BUSTIN of Kennebec

Representatives:

MELENDY of Rockland
MANNING of Portland
MAYO of Thomaston
ANTHONY of South Portland
SMITH of Island Falls
DORE of Auburn
GREENLAW of Standish
STROUT of Windham
LIBBY of Kennebunk

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-997).

Signed:

Senator:

PERKINS of Hancock

Representative:

HEPBURN of Skowhegan

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

Senator BUSTIN of Kennebec moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BUSTIN of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Divided Report

The Majority of the Committee on HUMAN RESOURCES on Bill "An Act Concerning the Funding of Boarding Home Depreciation Accounts Under the Cost-reimbursement Program" (Emergency)

H.P. 1699 L.D. 2348

Reported that the same Ought Not to Pass.

Signed:

Senators:

GAUVREAU of Androscoggin
TITCOMB of Cumberland
RANDALL of Washington

Representatives:

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

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1000).

Signed:

Representatives:

BOUTILIER of Lewiston
ROLDE of York

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

Which Reports were READ.

The Majority OUGHT NOT TO PASS Report ACCEPTED, in concurrence.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as

Lotto*America, for the Purpose of Operating a Joint Lottery"

H.P. 1711 L.D. 2362

Reported that the same Ought Not to Pass.

Signed:

Senator:

MATTHEWS of Kennebec

Representatives:

PRIEST of Brunswick

BEGLEY of Waldoboro

LAPORTE of Auburn

JALBERT of Lisbon

PAUL of Sanford

PLOURDE of Biddeford

LAWRENCE of Kittery

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-972).

Signed:

Senators:

BALDACCI of Penobscot

DILLENBACK of Cumberland

Representatives:

MURPHY of Berwick

STEVENS of Sabattus

TUPPER of Orrington

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

Which Reports were READ.

Senator MATTHEWS of Kennebec moved that the Senate ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator MATTHEWS of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

H.P. 1588 L.D. 2200

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1006).

Signed:

Senators:

BERUBE of Androscoggin

ESTY of Cumberland

Representatives:

CURRAN of Westbrook

LARRIVEE of Gorham

HEESCHEN of Wilton

JOSEPH of Waterville

CAHILL of Mattawamkeag

ROTONDI of Athens

DAGGETT of Augusta

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1007).

Signed:

Senator:

CARPENTER of York

Representatives:

WENTWORTH of Wells

MCCORMICK of Rockport

BEGLEY of Waldoboro

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006).

Which Reports were READ.

Senator BERUBE of Androscoggin moved that the Senate ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) Report, in concurrence.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) Report, in concurrence.

Divided Report

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Promote Effective Services Delivery to Children and Youth"

H.P. 1716 L.D. 2369

Reported that the same Ought Not to Pass.

Signed:

Senator:

ESTY of Cumberland

Representatives:

JOSEPH of Waterville

ROTONDI of Athens

CAHILL of Mattawamkeag

HEESCHEN of Wilton

DAGGETT of Augusta

LARRIVEE of Gorham

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-994).

Signed:

Senators:

BERUBE of Androscoggin

CARPENTER of York

Representatives:

WENTWORTH of Wells

MCCORMICK of Rockport

BEGLEY of Waldoboro

CURRAN of Westbrook

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

Which Reports were READ.

Senator BERUBE of Androscoggin moved that the Senate ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-994) Report in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-994) Report in NON-CONCURRENCE.

Senate

Leave to Withdraw

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

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Amend the Domestic Abuse Laws"

S.P. 897 L.D. 2287

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements"

H.P. 1613 L.D. 2230

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

Pending - ADOPTION of House Amendment "A" (H-1004) to Committee Amendment "A" (H-1004), in concurrence.

(In House, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981) AS AMENDED BY HOUSE AMENDMENT "A" (H-1004) thereto.)

(In Senate, March 27, 1990, Committee Amendment "A" READ. House Amendment "A" to Committee Amendment "A" READ.)

Senate at Ease

Senate called to order by the President.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending ADOPTION of House Amendment "A" (H-1004) to Committee Amendment "B" (H-981), in concurrence.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act Concerning State Education Mandate Waivers" (Emergency)

H.P. 1788 L.D. 2457

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

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

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

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

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

On motion by Senator TITCOMB of Cumberland, 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 Implement Changes to the Homestead Property Tax Exemption Law" (Emergency)

S.P. 827 L.D. 2135

(C "A" S-613)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-613).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-613) AS AMENDED BY HOUSE AMENDMENT "A" (H-1014) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

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 JUDICIARY on Bill "An Act to Provide Greater Protection to Victims of Domestic Abuse"

H.P. 1571 L.D. 2177

The Committee on JUDICIARY on Bill "An Act to Strengthen the Drug Laws"

H.P. 1614 L.D. 2231

The Committee on JUDICIARY on Bill "An Act to Increase the Penalties for Possession of Certain Controlled Substances"

H.P. 1615 L.D. 2232

The Committee on JUDICIARY on Bill "An Act to Increase the Criminal Penalties for the Furnishing of and Trafficking in LSD"

H.P. 1668 L.D. 2309

The Committee on JUDICIARY on Bill "An Act to Amend the Drug Laws Pertaining to Lysergic Acid Diethylamide"

H.P. 1687 L.D. 2335

The Committee on JUDICIARY on Bill "An Act to Preserve the Rights of Certain Litigants in Whistleblower Suits" (Emergency)

H.P. 1739 L.D. 2403

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 to Amend Certain Provisions in Marine Resources Laws

H.P. 1664 L.D. 2304

(C "A" H-949)

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.

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

SECOND READERS

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

House As Amended

Bill "An Act to Repeal Hospital Assessments Used to Fund State Programs"

H.P. 1358 L.D. 1875

(H "A" H-1005 to C "A" H-976)

Bill "An Act to Create a Community Restitution Center"

H.P. 1640 L.D. 2273

(C "A" H-1002)

Bill "An Act to Provide for Forfeiture of Weapons Used in Crimes Against Persons"

H.P. 1651 L.D. 2284

(C "A" H-995)

Bill "An Act to Provide Greater Opportunities for Orphans and Foster Children"

H.P. 1685 L.D. 2333

(C "A" H-1010)

Bill "An Act to Improve the Job Opportunities Zone Act"

H.P. 1690 L.D. 2340
(H "A" H-1011 to C "A"
H-1003)

Bill "An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System"

H.P. 1692 L.D. 2342
(C "A" H-974)

Bill "An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission"

H.P. 1709 L.D. 2358
(C "A" H-990)

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

H.P. 1723 L.D. 2382
(C "A" H-993)

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

H.P. 1727 L.D. 2386
(C "A" H-992)

Bill "An Act to Promote the Awareness and Responsibility of Owners of Firearms"

H.P. 1745 L.D. 2409
(C "A" H-996)

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

ORDERS OF THE DAY

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

Bill "An Act to Establish the Department of Child and Family Services"

H.P. 1199 L.D. 1666
(C "C" H-820)

Tabled - March 28, 1990, by Senator CLARK of Cumberland

Pending - FURTHER CONSIDERATION

(In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820), in concurrence.)

(In House, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008), thereto, in NON-CONCURRENCE.)

Senator CLARK moved that the Senate RECEDE and CONCUR.

At the request of Senator GILL of Cumberland, a Division was had. 17 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator CLARK of Cumberland, to RECEDE and CONCUR, PREVAILED.

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

HOUSE REPORTS - from the Joint Select Committee on CORRECTIONS on Bill "An Act to Clarify County Responsibility for Support of Prisoners"

H.P. 1756 L.D. 2419

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-997)

Tabled - March 28, 1990, by Senator CLARK of Cumberland

Pending - Motion of Senator BUSTIN of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report

(In Senate, March 28, 1990, Reports READ.)

(In House, March 27, 1990, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

Senator CAHILL of Sagadahoc requested a Division.

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

Senator BUSTIN: [Due to technical difficulties, all of Senator Bustin's remarks were not recorded.]

...change of venue and paying prisoners' medical costs rises above your average cost is when that Bill should come in and be seriously considered. Until that happens, it should not be seriously considered and I think that was the bottom line of the Committee. If you want to pay more for your prisoners than what Sagadahoc pays for theirs, then vote against the pending motion. If you want to keep the status quo and it has worked well from time immemorial, then you should support the pending motion.

At the request of Senator CAHILL of Sagadahoc, a Division was had. 22 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator BUSTIN of Kennebec, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

HOUSE REPORTS - from the Committee on LEGAL AFFAIRS on Bill "An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as Lotto*America, for the Purpose of Operating a Joint Lottery"

H.P. 1711 L.D. 2362

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-972)

Tabled - March 28, 1990, by Senator CLARK of Cumberland

Pending - Motion of Senator MATTHEWS of Kennebec to ACCEPT Majority OUGHT NOT TO PASS Report, in concurrence

(In Senate, March 28, 1990, Reports READ.)

(In House, March 27, 1990, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

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

Senator COLLINS: Thank you. Mr. President, Members of the Senate, it seems to me that we have in front of us a vehicle that could provide some money for this state that we, apparently, need very badly. I know there are those who object to a lottery for a vehicle to furnish money for state government and yet, it seems to me, that this Legislature is more inclined to spend money than to reduce expenditures. At the same time, there doesn't seem to be much support, either in the Legislature or among our citizens at large, for a tax increase.

Therefore, it seems to me, that our choice is rather simple, unless you have another method to raise \$7 million, which I understand this could do. I understand that this is not a device we can absolutely guarantee will provide a certain amount of money, but it seems that there are those who are knowledgeable about lotteries that suggest that it could provide that kind of money for the state. So, unless there is another method, given our situation, I think we should support this and I would urge you to vote against the motion so that we may adopt the other Report. Thank you, Mr. President.

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

Senator MATTHEWS: Thank you. Mr. President, Men and Women of the Senate, I rise today to ask you to support the majority members of the Committee in supporting the Ought Not to Pass Report. My good friend from Aroostook, Senator Collins, I think,

basically, has mentioned the opposition's argument. That is, where do we turn to raise money?

We find ourselves, six or seven months later, into the Second Session, facing a deficit, facing a \$210 million shortfall. It is a powerful bit of words to mention on the floor when you have budget problems to look to something like Lotto America that may give you additional revenue. But, ladies and gentlemen, this Bill, like many other Bills, went before the appropriate Committee and had at least an opportunity to be discussed by members of both parties, my Legal Affairs Committee and some questions were asked.

I believe, as a Senator and as an elected official, we don't do things when someone holds a gun to our head. We take an oath to uphold the Constitution, to look at every issue, to examine its merits, to look at the economic considerations of legislation, to look at the moral aspects of what we do, to look at the ethical arguments and questions and that's what the Legal Affairs Committee did.

Ladies and gentlemen, Lotto America, number one, from a public policy standpoint, is very bad public policy. We are told that we can generate \$7 million but when the questions were asked of the Finance Commissioner and the Director of the Lottery Commission, what impact will Lotto America have on Tri-State? What impact will Lotto America have on the daily game? What assurances does Maine have that we will have some say in the development of this game? We join a multi-state program, no longer an in-state lottery, a multi-state program, one in which Maine has no veto power. Maine has one vote, among many, many large states. The Commissioner of Finance came before us and said, in his written testimony, we will be joining other small states. That's not true, ladies and gentlemen. Wisconsin is no small state. Iowa is no small state, in comparison to us.

The odds of the Lotto America game should be discussed, it seems to me. Now, we are told that not only the odds, currently, would be 1 in 13 million for people to win, but the additional 3 or 4 states planned on this year, will increase the odds to 1 in 25 million. We ought to look at that issue, not just jump headlong into some pie in the sky revenue raiser.

My Committee listened to the opponents of this legislation. I want to tell you something about lotteries, ladies and gentlemen of the Senate, it's a tax on the poor. It is a tax on the poor. We have research and evidence that talks about those that play the game. There's also a phenomenon in our country today with those that are dependent and addicted to gambling. 10 million people in America have this affliction. We need to talk about that issue. It's true to say that Maine has a lottery and a Tri-State Game and has had a number of years of involvement.

But, I think it's equally true to say that this Legislature has to be involved in those decisions about how far down the road Maine goes in promoting gambling. Budget deficit, or not, this one Senator will be engaged in that debate. I'm not going to listen to the gun that's held to my head. I'm not going to do something that's immoral and unethical because we have a deficit. The second floor, and it should be mentioned, I believe, here, are asking us to, basically, take a chance with Lotto America, that we may make \$7 million. Well, I harken back a year ago, less than a year ago, last spring, when we were here during the last Session. When we were told in this Body that we had some problems with revenues and through the summer. \$60 million shortfall, a \$90 million shortfall, a \$120 million shortfall, a \$185

million shortfall, a \$200 million shortfall - someone wasn't too accurate with those figures, either.

I urge you to look, seriously, at this legislation. Look at who controls this game. Look at the historic integrity of this state. We are not Wisconsin. We are not Iowa. We are not New York or New Jersey that have casino gambling. We are Maine, Maine people, proud of what we are, proud of the rights that we enjoy in this country and I think, good old fashioned Yankee self-determination. We don't jump onto pie in the sky schemes. I hope you will vote with me on the Ought Not to Pass Report. This is bad public policy.

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

Senator DILLENBACK: Thank you. Mr. President, Ladies and gentlemen of the Senate, I first would like to say that I'd like to commend the Lottery Commission for their efficiency in operating the lottery. What a change has come about in the last years of the way it has been operating. They've done a great job and they're wholly behind this Lotto America program.

One of the things I'd like to talk about is when we have the Commissioners on the Lottery, they also are on the Tri-State Lottery. Every two years, the Tri-State Lottery Commission has a market analysis of what's going on in the lottery business. I'd like to read to you a summary of that because I don't think you people received a copy. The Legal Affairs Committee does receive copies of these market research programs and I'd like to give you a summary of it: "A Market Analysis of Lottery Participation and Multi-state Lottery Potential: A Report Prepared by the Tri-State Lottery Commission by Opinion Research Corporation, Princeton, NJ".

The study was conducted in the fall of 1989 and was issued in January of this year. This report did not concern the operation of Lotto America but the information gathered by the report, concerning the purchase habits of people who play the lottery games, provides valuable insights that can be used to understand the Lotto America, as well as Megabucks. Maine currently has four lottery games. One, Megabucks, which is a tri-state game, two, instant games, three, Pick-Three and Pick-Four. I'm sure you are all aware that the lottery gives the General Fund of the State of Maine \$30 million a year. The lottery systems in this state, in 1973 or 1974, were voted in by the people of this state on a referendum. It was not put in by the Legislature. But, Megabucks, which is a major portion of it, which you've heard concerns about, only contributed about \$12-13 million a year to the state.

To go on with the market report, in regard to Lotto America, the study specifically states the majority of the tri-state residents also expressed an interest in playing Lotto America. More than 6 residents in 10, 61%, are very or somewhat interested in the concept. The study also refutes the idea that Lotto America will have a negative impact on Megabucks. Tri-state participation in Lotto America should not affect the current level of play with regard to Megabucks. The survey showed support for larger jackpots. 48% of Maine people surveyed said that the size of jackpots was the most important consideration regarding the purchase of Megabucks tickets, a 63% that they were somewhat interested in Lotto America and 74% said they liked the bigger jackpots of Lotto America. 48% said if the Lotto America was available, they would purchase Lotto America tickets without cutting back on their current Maine purchases.

Their survey shows similar support in New Hampshire and Vermont, therefore, it's reasonable to assume that people from New Hampshire or Vermont and Massachusetts might buy Lotto America tickets here in Maine. The survey shows that cross-border lottery ticket purchases are very common. Many Maine lottery players also buy out of state lottery tickets. With Lotto America, many of these ticket sales would stay in Maine, and Maine would keep the revenues. It is important to know the \$7 million revenue estimate does not take into account, the positive impact of enticing residents to keep their lottery sales in state. The survey shows that Maine residents buy out of state tickets in the following percentages: New Hampshire buys 9%, Massachusetts - 11%, Vermont - 7% and others are at 2%. New Hampshire residents purchase Massachusetts lottery tickets at an unbelievable 51%. These New Hampshire residents cross the border to Massachusetts because of the size of the Massachusetts jackpots, which are about the same size as Lotto America. I think Lotto America's run about \$10 million each time. Therefore, many of these New Hampshire residents could be expected to buy tickets in Maine. It should be noted that the revenue estimates of \$7 million for Lotto America does not take into account the positive impact of New Hampshire residents coming into Maine to buy Lotto America tickets.

I'd like to make another point. That's the end of the summary on the research. You must realize that the economy is helped by this gambling as well. The agents who sell these tickets take in roughly \$6.5 million a year. The winnings from our Megabucks and other lotteries is \$48 million a year, roughly. That helps the economy of the state of Maine. The people who run the games receive something like 4.5% of it.

I'd like to talk a few minutes about the action of the Legal Affairs Committee in regard to this Lotto America. I will refute some of the things that have been said later. The Committee was concerned, as others are and as I'm sure you are, about the state going into another lottery game. We had concerns about the reaction you've heard here on the floor of the previous speaker. So, I asked a group, I took 3 Democrats and 3 Republicans and made an appointment with the Governor. We went down and sat down with the Governor and said, is there any other program or can we do something within state government other than going out of state which would help this situation that we're in? The Governor was very open-minded. He said, I'm not crazy about going into a Lotto America or any other thing, but if you can come up with something different, perhaps we could change it over, but we need that \$7 million. So, I talked with him, the group talked. We asked the Committee to wait until the end of the week and we asked the Commissioners if they couldn't come up with another program that would raise some money for the state of Maine. They had until the end of the week. The end of the week they came in. They said, there's absolutely nothing that we can come up with. They said, people are concerned about Megabucks, but we'll have you know that the state of New Hampshire and the state of Vermont are also planning another game and that is going to help hurt Megabucks as well as anything else that would hurt Megabucks. So, we feel that this Lotto America is a sure shot for us. We're 100% behind it and I think the state should go into it.

So, therefore, we had no alternative and that raises a difficult situation. As has been said previously, if you don't have any alternative, where do you go? So, those of you who vote against this

program should come up with an alternative of \$7 million. Of course, there are all kinds of alternatives. You could lay off 200 people. You can take \$1 million out of different programs and you name the program you want to take \$1 million out of. You can't do it. So, I would ask for a Division, Mr. President, when this comes up. Thank you.

Senator DILLENBACK of Cumberland requested a Division.

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

Senator BOST: Thank you. Mr. President, Men and Women of the Senate, in these last few days of the Session, when we grapple in very real terms with our state budget shortfall, as we all know, we're going to be faced with many tough choices. Lotto America, from my perspective, is not one of those tough choices.

I have no reservations about voting against this financial scheme this morning, for I have accepted the challenge alluded to by the good Senator, in his remarks previous, and issued in a stern fashion from the second floor, that we would be doing a disservice to Maine people if we criticize proposals to promote mega-gambling or provide solace to tax evaders without offering constructive counter proposals.

My premise is basic. We have not looked hard enough at the various departments and agencies throughout state government for potential savings. My solution is equally straightforward. Let's revisit these departments and agencies and demand a meaningful gesture towards addressing the deficit. Before we pass the buck to our cities and to our towns, or spin a gigantic wheel of fortune, I, for one, have to be convinced that we're doing our share within state government. I remain unconvinced.

I'm not opposed to Lotto America simply because there is roughly a \$2 million discrepancy between the Executive branch's projection of anticipated revenue and that of the Office of Fiscal and Program Review. We're all aware of the reliability of projections. I'm not opposed to Lotto America simply because there are legitimate questions about its impact on existing games of chance. The fact that there is a finite amount of money out there to buy lottery tickets and that by promoting a competing game, we'll probably be defeating the very purpose of Lotto America.

What I am opposed to is trivializing the issue of the state's fiscal predicament by endorsing bizarre proposals such as Lotto America without taking a serious look at ways we can further cut back at the state level. To assume some of the pain that we are transferring directly to our municipalities and asking them, in turn, to assume. Now, the cuts in the state bureaucracy have been essentially superficial, amounting to an assortment of randomly chosen high profile items. If we look beneath the thin veneer of what each department has offered up as ways to cut back, we serve turfdom, elevated to an art form.

By way of example, the Department of Education represents the largest chunk, by far, of this state's budget. As our University System, Technical Colleges, Maine Maritime Academy are all preparing for lay-offs in one degree or another, the elimination of programs, cuts in operating budgets and student tuition increases, one would expect that the Department of Education would be engaged in meaningful, internal cuts of its own. At the very least, to provide the other segments of the educational community with evidence that everyone is assuming their fair share. But what has been cut? General purpose aid to local schools. The Education Committee has broken with tradition and for the past

several weeks, under the guidance of the good Senator from York, Senator Estes, has been looking, in-depth, at the cuts in education and hopefully, will serve in some sort of advisory capacity to the Appropriations Committee as they begin their task, in the few days left, of prioritizing.

When we asked the Commissioner of Education about personnel cuts in her Department, she referred to a few positions which had been left unfilled, but not one position in that Department has been cut, not one. When we dared pose the question about the disbursement of innovative Block Grant money and the justification for leaving that untouched while basic curriculum objectives are being threatened, we were besieged, immediately, with letters from Block Grant recipients, saying, sure, feel free to look at the education budget, but, hands-off our program.

When I wrote a letter to the Commissioner on February 27, requesting that consideration be given to allowing a degree of flexibility in implementing educational mandates, many of which, while worthy, are posing financial hardships on local schools. The reply, 30 days later, was that she can waive those requirements on a case by case basis, but left it at that.

So, here we are today, faced with Lotto America. Given the reluctance by Department heads to scratch beneath the surface of their respective Departments, it's little wonder we're considering this funding route. Although there remains a full complement of Commissioners, Associate Commissioners, Deputy Commissioners, Deputy to the Associate Commissioners, all of who will reassure us that they've done all that they can to ease the budget crisis, that remains difficult for most of our constituents back home to believe. When they receive their property tax bills later this year, they'll find it even harder to believe.

So, for the very reason that the good Senator from Aroostook, Senator Collins, gave us in support of this measure, and I believe his words were, we are more inclined to spend money than reduce expenditures, I would urge you to support the Majority Ought Not to Pass Report. Thank you.

Off Record Remarks

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, I think it's important to rise at this time because of my respect for the Senate as a Body. The Senate has always been a Body that has dealt with the issues, since I've been here, as issues. It has not gotten into partisan wrangling 99% of the time, but deals with these issues from a bigger perspective, to be concerned about the whole state. I respect this Body for having done that and for always having acted responsibly, in my mind.

When I first saw this Lotto America Bill, believe me, it was like a bad dream, because most people that I talked to were upset with the Megabucks going from 36 numbers to 40 numbers and then I found that Lotto America has 50 numbers. So, I thought, Holy God, here we go. That, in itself, is going to hurt. So, I wasn't really impressed with that.

But then when I saw the budget proposal and what it was doing to aid to education, what I saw it was doing to municipal revenue sharing, what I saw it doing to the University of Maine System, what I saw it doing to the Technical Colleges, what I saw it doing to Maine Maritime Academy and a whole host of

other programs that are in need, I was concerned. To say, look, you can't look at this and say no, responsibly, unless I have a way of coming up with \$7 million additional dollars. As a member of the Legal Affairs Committee and relying upon the Lottery Commission and the Governor's office, who are constitutionally empowered to set the revenue projections, to administer the program, it was incumbent upon me to give it more than just a cursory no.

I viewed other issues that have been before this Legislature and it's been very difficult. One year it seems we're giving away the money and the next year, it seems we're taking it back, except that maybe we took back more than we gave away the year before. But, I think that as people have been contacting me and other members of this Body, when you look at this particular proposal, you have to remember that Maine will have a veto over its participation, if it does not want to maintain participation.

There are things that are going to be proposed in Second Reading, that I think will be something more people will find solace with, other than just this issue that is before us today. I think the important thing is that we have a program that is going to offer us money. We have a program that is going to spare us other cuts or delays of programs which we badly want. Nobody is holding a gun to anybody's head to participate in the lottery. It's a game of chance and they have to put up money in order to get into it and nobody is forcing anybody to do that. I know that we have lotteries on moose, now, and while some may consider this to be an attack on the poor, I would consider that to be an attack on the moose, but I'm not going to engage in that sort of debate here in the Senate, and mar the good debating that has already taken place in a body which I really do respect. I would hope that we would support the Minority Ought to Pass as Amended Report of the Committee. Thank you, Mr. President.

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

Senator TITCOMB: Thank you. Mr. President, Men and Women of the Senate, it's seems that during times of fiscal crisis, it's invariably the poor who suffer most and I have to ask myself if we, as a state, are seeking to balance our budget on the backs and the dreams of those poor. At a time, during this fiscal crisis, when those in need may well find less assistance, less job security and higher explosive property taxes that threaten to drive them from their homes, they will reach more and more for that one chance in a million, the chance for a dream, to hit it big, to buy a dream that, for most, will never be a dream, only an expenditure of money.

Are we, as a state, in times of fiscal need, also buying a dream we never see come to pass? A \$7 million jackpot dream, buying it with the sweat of the poor and the hopeful, not forcing them, but enticing them with that hope, to spend money they cannot spare. If you have any question about this, go to the local store on a Saturday evening, just before the time limit ends for buying a ticket, a week or two ago, when the \$10 million jackpot was up for grabs, and watch the \$50 and \$75 checks being written by people that, obviously, certainly cannot well afford to spend that money. Watch them write checks. Ask yourself, is it the rich or the poor who are going to be supporting this program?

I cannot support the proposal that we might balance our budget on the backs and the dreams of our poor. I believe that this proposal for Lotto America is neither good public policy, nor do I believe it is

honorable public policy. I would ask you to vote with the Majority Ought Not to Pass Report. Thank you.

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

Senator MATTHEWS: [Due to technical difficulties, remarks were not recorded.] ...Wisconsin, nearly 5 million people, West Virginia, nearly 2 million people, these are not small states in my book. We should remember, also, that this game has 6 numbers in 54 winning. I do recall the discussion, a few years ago, about the going to 6 of 40 numbers in our Tri-State Lottery game. That was a very heated debate, not only in this Chamber, but outside, among the citizens of this state. Now we're going to go to 6 of 54 numbers. I think the public would like to engage in that discussion because I heard them clearly the last time.

We should also look at our neighboring states of New Hampshire and Vermont. It's interesting when you look at New Hampshire and Vermont because they looked at Lotto America and they said, thumbs down, to Lotto America. What they did was, they worked with their Director of their Lottery Commission and their Governor and the powers that be, and came up with some innovative games that regained and kept state control.

I don't know why we're not doing the same. We have a tri-state game that's going to two picks during the week, very shortly. We were told that that would increase revenues between 20% and 40%. The state coffers now collect over \$30 million. Tri-State's expanding. We haven't looked at other possibilities that keep state control. This issue fails the straight face test, fails on the public policy concern, fails on the ethical arguments, fails on the moral arguments and should be soundly rejected.

I've taken the weekend to look through a magazine called U.S. Gaming. Interesting magazine, by the gaming industry and throughout its pages, it talks about the development and the progressive development of new games of chance. It talks about Vegas gambling, New Jersey and the casinos, and I want to read to you where, I guess, those engaged in Lotto America are headed and it says, "...heading toward national casino gambling." You've got to compete in the marketplace. You've got to promote your game. You've got to keep expanding it. You've got to offer new opportunities. So, casinos are down the road for us if we keep the progress going.

I was thinking the other day, as we were engaging in the discussion about the rivers legislation and cleaning up the rivers. I guess I can see the time when, coming down the Kennebec is a steamboat and, we'll have riverboat gambling here in Maine. Other states do it. Let's jump on the bandwagon.

It fails every test. I think there's a good side of this debate today. That is, that government works. The Legislature is here, as that counterbalancing force. The people's Body is embodied in this Chamber of both parties. We are engaged in decision making and we have an opportunity to do what is right today. I hope you will stay with me and vote Ought Not to Pass.

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, I would ask you today to not abolish this vehicle for raising funds outside of raising taxes and laying off people. I would ask you not to eliminate this as an option, not to just do away with this at this time. I think it's very important to allow this issue to remain live before the Legislature as a vehicle and an option for funds

to come before it. I would ask you to not support the Ought Not to Pass motion, but to support the Ought to Pass motion. Thank you, Mr. President.

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

Senator KANY: Thank you. Mr. President, Members of the Senate, first of all, I would like to say how much I've enjoyed the debate. The arguments have been both very persuasive and very sincere on all sides of this issue. I plan to vote for this measure, at this time.

I plan to vote against the pending motion, but with the proviso that, I would hope, forthcoming amendments would contain at least two things. One would be an assurance that the state of Maine could speedily remove itself from the agreement or from the Lotto. Second, I would like some assurance that there will be a public hearing, a public hearing in the state of Maine, before any such agreement is signed by the Commission, that the policy decisions that would be made by the multi-state group would be in the open and under generally accepted right-to-know laws and that there would be some public knowledge of major policy decisions that might occur.

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

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion of Senator MATTHEWS of Kennebec to ACCEPT the Majority OUGHT NOT TO PASS Report.

A vote of Yes will be in favor of ACCEPTANCE.

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, BERUBE, BOST, BUSTIN, CLARK, ERWIN, ESTES, ESTY, HOBBS, MATTHEWS, RANDALL, TITCOMB, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BALDACCI, BRANNIGAN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, PEARSON, PERKINS, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

EXCUSED: Senators BRAWN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with No Senators being absent, the motion by Senator MATTHEWS of Kennebec, to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, FAILED.

The Minority OUGHT TO PASS AS AMENDED Report ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-972) READ and ADOPTED.

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

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

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

H.P. 1588 L.D. 2200

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1006)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-1007)

Tabled - March 28, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator BERUBE of Androscoggin, to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) Report, in concurrence.

(In Senate, March 28, 1990, Reports READ.)

(In House, March 27, 1990, Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006).)

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

Senator CARPENTER: Thank you. Mr. President, Men and Women of the Maine Senate, none of us want to support discriminatory practices anywhere, including Northern Ireland, but signing onto the MacBride campaign is not the answer. If we are to use the state's pension fund investments to promote non-discriminatory social policies in other countries, perhaps we should at least tie them into internationally recognized laws and campaigns, such as we have done in South Africa.

The MacBride campaign is associated with the Irish Republican Army and it has never gained the same Congressional or international acceptance as the divestment in South Africa. The investments that are discouraged by the MacBride campaign are precisely the kind of investments Northern Ireland desperately needs to pull itself out of a serious economic slump. I hope you consider who'll be hurt by pulling out our investments there. It won't be the IRA. It will be the citizens of Northern Ireland who have little or nothing to do with the conflict there. All major trade unions, as well as both the Catholic and the Protestant churches in Northern Ireland, have denounced the efforts of the MacBride campaign as counterproductive and increasing the risk of reducing economic development opportunities in Northern Ireland, especially with respect to foreign investment.

Our American companies in Ireland have excellent records on discrimination and should not be punished for something they do not participate in. We would all like to see an end to the religious discrimination but let's not make it difficult for those who are on our side. I hope you will vote against Committee Amendment "A". I request a Division.

Senator CARPENTER of York requested a Division.

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

Senator PEARSON: Thank you. Mr. President, Men and Women of the Senate, I'd like to respond to some of the remarks made by the Senator from York, Senator Carpenter, because some of his information is simply not the facts. It simply is not true.

He said this is associated with the Irish Republican Army. I don't know who in the world would have ever come up with that kind of information. The MacBride principles are associated with Sean MacBride, who was a Nobel Peace Prize winner. It is a nonviolent way of trying to change the system as it exists in Ireland.

Senator Carpenter asked who we would hurt by pulling out. I heard those words when we talked about the actions of the United States government with regard to apartheid in South Africa. You'll just hurt those people who don't have jobs. Well, look where South Africa has come in the last several months. Nelson Mandela released from prison said, keep it up, keep the pressure on, because it is

making a difference in South Africa and its policies towards its own people.

The MacBride principles are designed to do the very same thing. Keep pressure on until people are treated decently in Northern Ireland regardless of what their religious preference is. The kind of action, the kind of history that the British government has, with regard to its treatment of Catholics in Northern Ireland, is one that is beneath the dignity of America and without a doubt, beneath the dignity of the civilized world.

In some sections of Northern Ireland, only Catholics are unemployed, 82% in some sections. If you took Northern Ireland all together, it would be well over 30%, sometimes 40% or 50% of all Catholics that are unemployed. I think we should treat the policies of the British government in Northern Ireland just the same way we did the policies of the government of South Africa and make them pariahs in the world. For that's exactly what they are. They have a history that goes back 400 years and not one change has occurred in all that time.

Every once in awhile, you know, the British government will pass a law, called the Fair Employment Act. They had two of them, one in 1977 and another one in 1989, non-binding, no quota systems, no forcing or anything. It doesn't make one single bit of difference.

Now, you say to yourself, well, what did we have to accomplish with this? Ireland is a strife-torn country, has been for a long time. Many of us who are here, came from there, originally, through a couple of generations, in some cases, like my own. I have an interest in that country, just like America has an interest in decency all over the world, human rights. It is my thought that if people are employed, they will have less reason to be upset with the situation that they find themselves in.

If you were, and I'm stealing a little bit of material here, but if you were 21 years old and had never had a job, how would you act? If you were 21 years old and had never had a job and had a father that never had a steady job, what would you think about your future? If you were 21 years old and had a father that hardly ever had a steady job and a grandfather that never had one either, what would you think? Would you think change is going to occur without some kind of pressure? It simply is not going to happen.

The minority of people in the five counties of the northern part of Ireland, sometimes referred to as Ulster, sometimes as Northern Ireland, are Catholic. 95% of the people in the south, or plus, are Catholic. Discrimination has never been a problem in southern Ireland, but it is in Northern Ireland and that's the truth. It need not be that way. I think we can do better.

I was reminded, some time ago, during a meeting that I was in, by a newspaper clipping that came from the state of Maine some time ago in the 1800's. When the Know-nothing Party was prevalent in this state, there were several newspapers that took on that type of philosophy that was an anti-Catholic, anti-anybody, but Anglo-Saxons, type of philosophy. I've got to quote from it and I would just like to read it to you and it's referring to the French in the Saint John Valley, "They are nearly all Catholics and under the influence of their priests. They speak mongrel French and are noted for their politeness. They are generally ignorant and unambitious. Each generation contenting themselves with simply existing. The state has made several attempts to educate and civilize them and in some instances, with good results." That was 100 years ago, here in

Maine. If you were French, what would you think about that? Even if you weren't French, what would you think about that?

Well, the Irish have been treated the same way in Northern Ireland. They have been treated that way too long. Nothing's changing and the only way, I think, we can ever effectuate any change is to say to our people, don't invest in Northern Ireland unless they change their ways. The good gentlemen from York, Senator Carpenter, indicated that American companies were doing a good job there. Ford, in the middle of the bog side, Belfast, Northern Ireland, doesn't employ hardly any Catholics. They aren't doing a good job.

It's time for us to tell them to do a good job, just as we did in South Africa and it worked there. It is working there. If enough of us, enough states, enough cities in this nation do what I hope that we're going to do we can make a difference.

You know, I was there a couple years ago and I hope to go again this year, if it's possible. I met a cousin that I'd never known before. Nobody in my family had ever met her. Nobody in my family had had any connections with anybody in Ireland since around 1910. But I found her. It was really a special moment in my life. We were driving along the road. We were headed towards the local parish. I wanted to see where my people had gone to church. I said, you know, this is really important to me to see where my people went to church. She said, oh, they went to church up there in the hills. I said, I didn't know there was a church up there. She said, there wasn't. We weren't allowed to practice our faith. They chased them all over the hills. Priests had to hide. Catholics had to be secret. But that's all gone now in southern Ireland, but the tolerance in the North is not the same. I do believe that jobs will make a difference amongst the relations between Catholics and non-Catholics.

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

Senator COLLINS: Thank you. Mr. President, Members of the Senate, it is with a great deal of reluctance that I oppose the position of my good friend, the Senator from Penobscot, Senator Pearson, and I would also say that I have a very fond place in my heart for the Irish, having some of that blood in my own veins and have visited Ireland in just the last six months.

I would like very much to think that this action could be helpful to the people in Northern Ireland, but I honestly don't think it will be helpful. I think it will be a disincentive for investment in a country that desperately needs investment. It needs investment for more jobs so that all of the people that are unemployed can be employed. I will readily admit that there is some discrimination that exists in Northern Ireland. I'm happy to report there is very little in Southern Ireland. It seems to me that if we really want to help the people in Northern Ireland, we will make it attractive for companies in this country to invest in that country and to create more jobs.

For one moment, I'd like us to think of the other side of this equation. We're talking about a stipulation that would prohibit Maine funds from being invested, except in certain conditions with certain companies that would subscribe to the MacBride principles. We're also talking to an amendment to the MacBride principles which seems to me would compound the situation somewhat, in trying to monitor whether we in fact were doing what we intend to do or not.

The Maine Retirement Fund is supposed to produce the best return it can in order to fund the retirement of Maine State Employees. It seems to me that we have to keep that in mind whenever we tamper with a position that would provide the managers without the discretion they need, in order to make the best investments. That's what we're doing when we tamper with their ability by this type of legislation.

So, on two counts, I think that this is bad policy. I think we're trying to create a situation where we, as legislators, put undue restrictions on the advisement council of the people who invest the funds for the benefit of the Retirement System. Number two, I don't think we help the people of Northern Ireland by discouraging companies to invest in that country. I think we effectively decrease the ability of people in Ireland to have jobs. I would urge you to vote against the pending motion.

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

Senator MATTHEWS: Thank you, Mr. President. First of all, I appreciate the comments of the good Senator from Aroostook and I think that is the kind of debate we should have. But, I take real strong exception to the remarks of the good Senator from York, Senator Carpenter. I would ask him if he believes, truly, that people in Northern Ireland don't want countries to get involved and reorganize their investment policies, who he has talked to, where he gets that information. I would respond to my good friend, the Senator from Penobscot, Senator Pearson, that my grandfather and my grandmother must have been up in the hills with your relatives, also. We know, ladies and gentlemen, that all over this globe today, that peaceful, nonviolent belief in democracy is working. Poland, Czechoslovakia, East Germany, Romania, South Africa, it's worked. The MacBride principles talk about peaceful, nonviolent action by those concerned all over the world. It does work. Ask those people that have lived in Communist dictatorships whether they appreciate the fact that they had a job. They really appreciate freedom. South Africa is the greatest example, as was mentioned by the good Senator from Penobscot, where change has happened because of our involvement. I hope that you will support this Bill today.

At the request of Senator CARPENTER of York, a Division was had. 21 Senators having voted in the affirmative and 10 Senators in the negative, the motion by Senator BERUBE to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006) Report in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-1006) READ and ADOPTED, in concurrence.

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

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

HOUSE REPORTS - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Promote Effective Services Delivery to Children and Youth"

H.P. 1716 L.D. 2369

Majority - Ought Not to Pass

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-994)

Tabled - March 28, 1990, by Senator CLARK of Cumberland.

Pending - Motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT TO PASS AS

AMENDED BY COMMITTEE AMENDMENT "A" (H-994) Report in NON-CONCURRENCE.

(In Senate, March 28, 1990, Reports READ.)

(In House, March 27, 1990, the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)

On motion by Senator BERUBE of Androscoggin, the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-994) Report ACCEPTED in NON-CONCURRENCE.

The Bill READ ONCE.

Committee Amendment "A" (H-994) READ and ADOPTED.

Which was, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

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

Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements"

H.P. 1613 L.D. 2230

Tabled - March 28, 1990, by Senator CLARK of Cumberland.

Pending - ADOPTION of House Amendment "A" (H-1004) to Committee Amendment "A" (H-981), in concurrence

(In House, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981) AS AMENDED BY HOUSE AMENDMENT "A" (H-1004) thereto.)

(In Senate, March 27, 1990, Committee Amendment "A" (H-981) READ. House Amendment "A" (H-1004) to Committee Amendment "A" (H-981) READ.)

Senator ESTY of Cumberland moved the INDEFINITE POSTPONEMENT of House Amendment "A" (H-1004) to Committee Amendment "A" (H-981) in NON-CONCURRENCE.

Senator GILL of Cumberland requested a Division.

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

Senator WHITMORE: Thank you. Mr. President, Men and Women of the Senate, during the Committee discussions and during the workshop on the pending legislation and the Committee Amendment, it was asked several times by several members of the Committee how this would affect binding arbitration and if, in fact, it would be and would, in fact, the local school board and the local authority actually lose control without it being specifically spelled out.

Even, I believe, as the L.D. left the Committee, I think there was still, at least in my mind and I don't want to speak on behalf of the rest of the Committee, there was still some concern whether, in fact, it would be an item that would be subject to binding arbitration. At least from my perspective, the answer was never really cleared up. The people that were in attendance the day of the workshop that we asked the questions of, both sides were really not represented and so we heard from one side.

From the time the L.D. did leave the Committee and was sent up, from that point forward, I guess that one of the things that has been brought up is there is a question, whether, in fact, the local communities would, in fact, be losing some local control. That being the question, then that's exactly what this Committee Amendment addresses, then I would urge you to vote against the pending motion and move forward with the House Amendment.

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

Senator ESTY: Thank you. Mr. President, Men and Women of the Senate, the amendment before us is unnecessary and confuses the issue that was unanimously endorsed by the Labor Committee. The proponents of this Amendment cannot point to one

instance, among 151 sabbatical leave provisions already negotiated in school districts over the past 20 years, of a controversy that needed to be resolved by this type of binding arbitration.

House Amendment "A" would create a unique standard for the use of binding arbitration as it relates to sabbatical leave. Every other subject of collective bargaining, that does not involve money issues, salaries, pensions and insurance, is subject to binding arbitration. House Amendment "A" says that this general rule will not apply to sabbatical leaves. Let us leave the issues of collective bargaining with local districts where it belongs. This amendment attempts to solve the problem that simply does not exist. Thank you, Mr. President.

At the request of Senator GILL of Cumberland, a Division was had. 19 Senators having voted in the affirmative and 13 Senators in the negative, the motion of Senator ESTY of Cumberland to INDEFINITELY POSTPONE House Amendment "A" (H-1004), in NON-CONCURRENCE, PREVAILED.

Committee Amendment "A" (H-981) to Committee Amendment "A" (H-981) ADOPTED in NON-CONCURRENCE.

The Bill, which was under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

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 Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection" (Emergency)

H.P. 1712 L.D. 2363

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1789.

Comes from the House referred to the Committee on LEGAL AFFAIRS in NON-CONCURRENCE.

Which was REFERRED to the Committee on LEGAL AFFAIRS in concurrence.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table, the following matter:

SENATE REPORTS - from the Committee on BANKING AND INSURANCE on Bill "An Act to Exempt Medical Malpractice Captive Insurance Companies from the Requirement to Obtain Certificates of Authority to Transact Insurance in the State of Maine"

S.P. 705 L.D. 1843

Majority - Ought Not to Pass.

Minority - Ought to Pass.

Tabled - March 12, 1990, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, March 9, 1990, Reports READ.)

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

Senator THERIAULT: Thank you. Mr. President, Men and Women of the Senate, I would move the Minority Ought to Pass Report and would like to speak briefly. I voted in the Majority Ought Not to Pass Report when this Bill was in Committee. The primary reason that I did that was because the Bill had to be out that particular day and we had not had time to work the Bill fully. Consequently, I voted Ought Not to Pass. When it came here to this Body, the Bill was tabled unassigned and it gave me time to put an

amendment together which I would like to present at the Second Reading. Thank you.

On motion by Senator THERIAULT of Aroostook, the Minority OUGHT TO PASS Report ACCEPTED.

On further motion by same Senator, under suspension of the Rules, the Bill READ TWICE.

On further motion by same Senator, Senate Amendment "A" (S-625) READ.

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

Senator THERIAULT: Thank you. Mr. President, Members of the Senate, this Bill was presented to us on behalf of Eastern Maine Medical Center. The ultimate purpose of this Bill is to reduce the cost of liability insurance which, hopefully, will reduce the costs of insurance for all of us.

I want you to know, at the outset, that the majority of the Committee does not support this Amendment at this time. I also want you to know that the Superintendent of Insurance also does not support this Amendment. The primary reason that the Superintendent of Insurance does not support this Amendment is he would like to have the thing golden. I feel, at this point in time, that if it's made out of silver, it will still do. This is why I'm supporting this Amendment.

The original Bill that was presented to us would have established an offshore, in Bermuda, insurance company for purposes of buying re-insurance from an insurer in the United States. The main reason they wanted to do that was that so they could bypass the requirements of the Maine law to establish an insurance company. The Amendment says that this particular insurance company, which also supports the formation of, will be established here in Maine so that it can have the proper supervision that it needs.

The main difference, or the thing that it calls for in this Bill, is to relax the requirements so that this particular insurance company can be formed here. Why does the hospital want to do that? Like I told you awhile ago, it's primarily to save money. How much money would they save? Well, what they would save would be 15% of the premium. Now, how much is that? It's anywhere from \$50,000 to \$150,000 that they would save on premiums.

This idea is not new. Thirteen states allow the formation of these offshore companies. The Maine law is silent on it. Consequently, the hospital could go ahead and formulate this and form this company in Bermuda, but the management of the hospital think that this would be imprudent because, at some point in time, a determination could be made that they really did not have the right to do this or the Legislature could pass a law banning this.

I also want to say that, under our present law, the hospital would not have to provide any insurance, whatsoever, but being prudent managers, they want to do that. How does this work? First of all, the hospital today is self-insured for up to about \$3 million. This means that if there is a claim against the hospital, they would pay out of pocket up to \$3 million. What this insurance company would enable them to do would be to buy this re-insurance and if the claim was beyond \$3 million, the re-insurance company would make up the difference.

Presently, that hospital is insured with St. Paul and since 1987, the hospital paid out \$361,000 in claims. They paid to St. Paul \$3.6 million in premiums. On those premiums, they paid commission, \$535,000. If this company was in existence, they would have saved that amount of money and if you will notice, they paid more in commission than what they paid out in claims.

The Amendment has certain stipulations. They have to meet certain standards as specified in the Amendment and if you want to take a look at that Amendment, you will that there are several items that they need to do. One of the things that is the most important is that the hospital has to have a net worth of at least \$50 million, which it does have. It has a net worth of about \$54 million. So, this is a measure that is reasonable, is workable and I think that we should give it a chance. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-625) ADOPTED.

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

Off Record Remarks

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table, the following matter:

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)

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

Pending - ENACTMENT

(In Senate, March 19, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-925), in concurrence.)

(In House, March 23, 1990, PASSED TO BE ENACTED.)

This being an Emergency Measure and having received the affirmative vote of 28 members of the Senate, with No Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

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

Off Record Remarks

On motion by Senator COLLINS of Aroostook, 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:

SECOND READERS

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

House As Amended

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"
H.P. 1588 L.D. 2200
(C "A" H-1006)

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

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

SECOND READERS

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

House As Amended

Bill "An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as Lotto*America, for the Purpose of Operating a Joint Lottery"

H.P. 1711 L.D. 2362
(C "A" H-972)

Which was READ A SECOND TIME.

On motion by Senator BALDACCI of Penobscot, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Thursday, March 29, 1990, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
42nd Legislative Day
Thursday, March 29, 1990

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend John Paddock, Grace Episcopal Church, Bath.

The Journal of Wednesday, March 28, 1990, was read and approved.

PAPERS FROM THE SENATE

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Exempt Medical Malpractice Captive Insurance Companies from the Requirement to Obtain Certificates of Authority to Transact Insurance in the State of Maine" (S.P. 705) (L.D. 1843)

Signed:

Senators:

THERIAULT of Aroostook
COLLINS of York
KETOVER of Portland
JOSEPH of Waterville
RYDELL of Brunswick
CURRAN of Westbrook
DONALD of Buxton
ERWIN of Rumford
ALLEN of Washington
GARLAND of Bangor
TRACY of Rome
RAND of Portland

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator:

BUSTIN of Kennebec

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-625).

Reports were read.

On motion of Representative Rydell of Brunswick, the House accepted the Majority "Ought Not to Pass" Report in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements" (H.P. 1613) (L.D. 2230) which was passed to be engrossed as amended by Committee Amendment "A" (H-981) as amended by House Amendment "A" (H-1004) thereto in the House on March 27, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-981) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Promote Effective Services Delivery to Children and Youth" (H.P. 1716) (L.D. 2369) on which the Majority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on March 27, 1990.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-994) in non-concurrence.

Representative Joseph of Waterville moved that the House adhere.