

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

referred to us that we will take care of it, probably tonight.

The SPEAKER: The pending question before the House is the motion of the Representative from Palmyra, Representative Tardy, that L.D. 2450 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 212

YEA - Adams, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Graham, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Jacques, Ketover, Larrivee, Lawrence, Lisnik, Lord, Luther, MacBride, Mahany, Manning, Martin, H.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, P.; Parent, Paul, Pineau, Plourde, Pouliot, Priest, Ridley, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Tupper, Walker.

NAY - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Hepburn, Hussey, Hutchins, Jalbert, Kilkelly, Lebowitz, Libby, Look, Marsano, Marsh, McCormick, McPherson, Merrill, Paradis, E.; Pendleton, Pines, Reed, Richards, Rotondi, Seavey, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anthony, Conley, Cote, DiPietro, Higgins, Jackson, Joseph, LaPointe, Macomber, Marston, McGowan, McKeen, O'Dea, Oliver, Paradis, J.; Pederson, Rand, Richard, Rolde, Sherburne, Small, The Speaker.

Yes, 76; No, 53; Absent, 22; Paired, 0; Excused, 0.

76 having voted in the affirmative and 53 in the negative with 22 being absent, the motion to indefinitely postpone L.D. 2450 and all its accompanying papers did prevail. Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Marsano of Belfast, Adjourned until Thursday, April 5, 1990, at twelve o'clock noon pursuant to Joint Order (S.P. 990)

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

In Senate Chamber
Thursday
March 29, 1990

Senate called to Order by the President.

Prayer by the Honorable Edwin C. Randall of Washington.

HONORABLE EDWIN C. RANDALL: Let us pray. As we are gathered here at the beginning of this new day, toward the end of our Legislative Session, may we be mindful of the strains and the struggles that come upon us at this time of year. May we be mindful of the opportunities we have as elected officials, to do that which Government should do, to serve the needs of those who are less fortunate than many of us. May we pause this day, mindful of that charge which is before us, and keeping our good humor and our sense of prospective, move forward in the days ahead. Amen.

Reading of the Journal of Wednesday, March 28, 1990.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 990

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, April 5, 1990, at 12 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.P. 991

114TH MAINE LEGISLATURE

March 28, 1990

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

Please be advised that Governor John R. McKernan, Jr. has nominated Andrew M. Mead of Bangor for appointment as Judge, Maine District Court.

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

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

Which was READ and REFERRED To the Committee on JUDICIARY.

Sent down for concurrence.

The Following Communication: S.P. 992

114TH MAINE LEGISLATURE
March 26, 1990

Senator Dennis L. Dutremble
Rep. Gregory G. Nadeau
Chairpersons
Joint Standing Committee on Housing and Economic
Development
114th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dwight Sewell of Presque Isle for appointment as Executive Director of the Maine State Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this nomination will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

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

Which was READ and REFERRED To the Committee on HOUSING AND ECONOMIC DEVELOPMENT.
Sent down for concurrence.

Off Record Remarks

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE
March 28, 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 Agriculture has had under consideration the nomination of Stellos M. Tavantzis of Orono, for reappointment to the Commission on Biotechnology and Genetic Engineering.

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 1
Representatives 8
NAYS: 0
ABSENT: 4 Sen. Twitchell of Oxford, Sen. Kany of Kennebec, Rep. Mahany of Easton, Rep. Sherburne of Dexter

Nine 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 Stellos M. Tavantzis of Orono, for reappointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,
S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Stellos M. Tavantzis of Orono be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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 Chair noted the absence of Senator Brawn of Knox and further excused her from today's Roll Call votes.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, 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, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator BRAWN

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No 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 Stellos M. Tavantzis, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE
March 28, 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 Agriculture has had under consideration the nomination of Christine C. Vito, Ph.D. of Saco, for reappointment to the Commission on Biotechnology and Genetic Engineering.

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 1
Representatives 8
NAYS: 0
ABSENT: 4 Sen. Twitchell of Oxford, Sen. Kany of Kennebec, Rep. Mahany of Easton, Rep. Sherburne of Dexter

Nine 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 Christine C. Vito, Ph.D. of Saco, for reappointment to the Commission on Biotechnology and Genetic Engineering be confirmed.

Sincerely,
S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Christine C. Vito, Ph.D. of Saco be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, 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, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No 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 Christine C. Vito, Ph.D., was CONFIRMED.

The Secretary has so informed the Speaker of the House.

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Warren C. Cook of Kingfield be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
 NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, 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, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator BRAUN

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No 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 Warren C. Cook, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION
 March 27, 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 Education has had under consideration the nomination of Warren C. Cook of Kingfield, for reappointment to the Maine Maritime Academy Board of Trustees.

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 10
 NAYS: 0
 ABSENT: 0

Thirteen 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 Warren C. Cook of Kingfield, for reappointment to the Maine Maritime Academy Board of Trustees be confirmed.

Sincerely,

S/Sen. Stephen C. Estes S/Rep. Nathaniel Crowley, Sr.
 Senate Chair House Chair

Off Record Remarks

Senate at Ease
 Senate called to order by the President.

The Following Communication:
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION
 March 27, 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 Education has had under consideration the nomination of Edward M. Williams of Cape Elizabeth, for appointment to the Higher Education Students Financial Assistance Board.

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

YEAS: Senators 3
 Representatives 10
 NAYS: 0
 ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward M. Williams of Cape Elizabeth, for appointment to the Higher Education Students Financial Assistance Board be confirmed.

Sincerely,

S/Sen. Stephen C. Estes S/Rep. Nathaniel Crowley, Sr.
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Edward M. Williams of Cape Elizabeth be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None
NAYS: Senators ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, 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, WHITMORE, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

EXCUSED: Senator BRAWN

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No 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 Edward M. Williams, was CONFIRMED.

The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS

Senate

Change of Reference

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore" (Emergency)

S.P. 969 L.D. 2436

Reported that the same be REFERRED to the Committee on LEGAL AFFAIRS.

Which Report was READ and ACCEPTED.

The Bill REFERRED to the Committee on LEGAL AFFAIRS.

Sent down for concurrence.

Ought to Pass

Senator HOBBS for the Committee on JUDICIARY on Bill "An Act to Provide Greater Protection Under the Domestic Abuse Laws"

S.P. 989 L.D. 2458

Reported that the same Ought to Pass, pursuant to Joint Order S.P. 971.

Which Report was READ and ACCEPTED.
Which was, under suspension of the Rules, READ A TWICE, and PASSED TO BE ENGROSSED.
Sent down for concurrence.

Senator ANDREWS for the Committee on TAXATION on Bill "An Act to Establish the Taxpayer Bill of Rights"

S.P. 888 L.D. 2264

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Which was, under suspension of the Rules, READ TWICE, and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Ought to Pass As Amended

Senator TITCOMB for the Committee on HUMAN RESOURCES on Resolve, to Direct the Department of Human Services to Develop a Proposal to Adequately Address the Housing Needs of Aid to Families with Dependent Children Recipients

S.P. 962 L.D. 2429

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-627).

Which Report was READ and ACCEPTED.

The Resolve READ ONCE.

Committee Amendment "A" (S-627) READ and ADOPTED.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act to Promote Economic Development"

S.P. 907 L.D. 2306

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-628).

Signed:

Senators:

ESTY of Cumberland
MATTHEWS of Kennebec

Representatives:

MCHENRY of Madawaska
RAND of Portland
TAMMARO of Baileyville
PINEAU of Jay
MCKEEN of Windham
LUTHER of Mexico

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

Signed:

Representatives:

MCCORMICK of Rockport
BUTLAND of Cumberland
REED of Falmouth
RUHLIN of Brewer

Which Reports were READ.

Senator ESTY of Cumberland, moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending the motion of Senator ESTY of Cumberland to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

ORDERS OF THE DAY

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

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)

Tabled - March 28, 1990, by Senator BALDACCI of Penobscot.

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

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

(In Senate, March 28, 1990, Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED in NON-CONCURRENCE. The Bill READ A SECOND TIME.)

On motion by Senator BALDACCI of Penobscot, Senator Amendment "C" (S-630) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. Very briefly, this is the Amendment that requires the Hearing to be open to the public before a final agreement is made with Lotto America, and after such an agreement, monthly financial reports be made to the Legislature showing profits and operating costs of Lotto America.

The Amendment states that the Legislative intent that the Hearing held before the effective date of the Bill would fulfill the Hearing requirements, and that the Amendment adds that a provision requiring a contract with Lotto America, to include specific language allowing for the termination of the contract by the Director. Thank you.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question to the Senator from Penobscot, Senator Baldacci, and ask him if it would be sufficient as is now done on the current lottery that we have, is put on that monthly financial sheet, if this would be what he had in mind with regard to a report to the Legislature monthly.

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 Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer the question of the good Senator from Penobscot, Senator Pearson, that is what the intent is with this legislation.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would pose a question through the Chair to anyone who may wish to respond. While I fully contend that the response to the inquiry of the good Senator from Penobscot, Senator Pearson is sufficient, my question is per this proposed Amendment. How would the operating costs of Lotta America be included in that financial report that comes regularly to members of the Legislature?

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. I guess to try to answer the good Senator from Cumberland, Senator Clark's question, the Amendment calls for those operating costs to be included in the Report to the Joint Standing Committee having jurisdiction over Appropriation and Financial Affairs, and I am sure

they would have the ability to make sure the information was made available to the public.

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

Senator KANY: Mr. President. Ladies and Gentlemen of the Senate. I am delighted to see the Amendment proposed by the good Senator from Penobscot, Senator Baldacci. I am pleased to see that a Hearing is required before any agreement is signed by the Commission, and second it would state in the statutes and would have to comply with the requirement that the state could in a timely manner be released from any such agreement.

Actually, I am rising in addition to offering my expression of appreciation, to state that it would be my belief and a requirement for continued support of any such multi-state agreement, that any meetings must be held in public, and any policy making decisions must be made in public, and that any multi-state group such as this would have to comply with the "Federal Right To Know" decisions, and have all meetings in public.

I would ask that this be put on the Record, and would ask that this expression be shared with the members of the Lottery Commission.

The President requested the Assistant Sergeant-at-Arms to escort the Senator from York, Senator Hobbins to the rostrum to assume the duties of President Pro Tem.

The President took a seat on the floor of the Senate.

Senate called to order by the President Pro Tem.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate very much the discussion this morning, and the Amendment offered from the good Senator from Penobscot, Senator Baldacci. My concerns haven't changed, and I would share with you just a few bits of information.

The Committee on Legal Affairs looked at how the decisions are made at Lotto America, and it is interesting to note that for the Record and for your decision this morning, there is no Veto for the State of Maine once this contract has been entered into. 51% of the Association is needed to vote in the affirmative to change any policies, and impact any decisions of the Association.

What happens, and I guess I would address the question concerning this Amendment, what would be the position of this Association with respect to this Amendment, we have been told the contract is very clear. There is no Veto authority here, we are joining into a multi-state game enterprise, Maine is a small state compared with Wisconsin and other states that are in this Association, other big states are coming in, a lot of unanswered questions, Unanswered questions about the development of this game and what, if any, authority would Maine have. I appreciate the attempt, but this Bill is still a very, very, very bad Bill, very, very, very poor public policy. Raises some strong concerns about ethics and the question of gambling, how far the state is going down the road to public gambling, and endorsing that kind of operation. The same concern as yesterday about taxation against the poor, we know the percentages of those of lower incomes that play these games, offering that "pie in the sky" hope of hitting it big. The questions are the same ladies

and gentlemen, and I hope that the vote will turn around on this floor, and I would ask for a Division, Mr. President, on the pending Amendment.

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

Senator DILLENBACK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not going to get into a debate on this issue, I think we did a sufficient debate the other day.

I just want to point out several things that are important. We can get into the Lotto America all right, and you can get out of Lotto America all right. You can leave any time you want to. There is a reserve fund that is set up, and it says that "This amount will be held in a separate account for the Maine State Lottery, and unless, deductions are made due to an unanticipated prize claim, the entire amount plus interest will be returned to the Maine State Lottery, in event the Lottery decided to leave the Association. They can leave at any time, but I would point out to make this a viable situation, it would probably would have to stay in one year, to cover the expenses of going in, other than that, they can come and go as they please, and who cares how they run the lottery. If it is not run correctly, we will come out of it. Thank you.

Off Record Remarks

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. Permission to pose a question through the Chair?

THE PRESIDENT PRO TEM: You may pose the question.

Senator MATTHEWS: Thank you Mr. President. I would pose a question to anyone that might choose to answer. How much the Lotto America Association, the organization proposing this wonderful idea for the states of this great Country, how much do they make in this game?

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Matthews has posed a question through the Chair to any Senator who may care to answer. The Chair recognizes the Senator from Cumberland, Senator Dillenback.

Senator DILLENBACK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I put my papers away too quickly, I see. But as I recall, I think that 3.5% of the monies gambled is what it cost to operate this lottery, very similar to what it is to Mega Bucks.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Association and Organization stands to profit in the millions and millions of dollars!

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

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not rising in this point in time to debate the merit of Lotto America, I clearly voted against it, I don't agree with the reasons for us doing it.

I do have another question though, Mr. President, and it deals with the Amendment. The Amendment, in fact, discusses a Hearing to be held for the public. I question the purpose of that Hearing, when in fact, the Senate has passed and endorsed Lotto America, why would we have a Hearing afterward. It seems to me if we would like to have a Hearing regarding the merits

of the issue to get input, that we would postpone our action until after that Hearing. Otherwise it just seems to be fruitless to have a Hearing and then make the decision anyway. Thank you Mr. President.

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

Senator BALDACC: Thank you Mr. President. Ladies and Gentlemen of the Senate. We are trying in effort to put something together that makes sense for the people of the State of Maine, in the best interest for the people of the State of Maine.

While the Amendment before you may not incorporate all of those concerns, there are other Amendments that are being prepared that should be able to, and I would move that this item be Tabled until later in today's session.

THE PRESIDENT PRO TEM: The Chair would state to the Senator from Penobscot, Senator Baldacci, that having debated your motion, your motion is out of order. The Chair recognizes the Senator from Penobscot, Senator Pearson.

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending the motion of Senator BALDACC: of Penobscot to ADOPT Senate Amendment "C" (S-630).

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

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

On motion by Senator CLARK of Cumberland, RECESSED until sound of the Bell.

After Recess
Senate called to order by the President.

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

On motion by the Senator PRAY of Penobscot, RECESSED until 4:00 this afternoon.

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:

COMMUNICATIONS

The Following Communication: S.P. 993
114TH MAINE LEGISLATURE
March 29, 1990

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

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Leigh I. Saufley of Yarmouth for appointment as Judge, Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination is currently pending before the Joint Standing Committee on Judiciary.

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

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

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

COMMUNICATIONS

The Following Communication: S.P. 994
114TH MAINE LEGISLATURE
March 29, 1990

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to Title 4, MRSA Section 157, Honorable Alexander MacNichol of Cape Elizabeth for appointment as Judge, Maine District Court.

Pursuant to Title 4, MRSA Section 157, Leigh I. Saufley of Yarmouth for appointment as Judge-at-Large of the Maine District Court.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator BOST for the Committee on UTILITIES on Bill "An Act Concerning the Authority of the Public Utilities Commission to Order Competitive Bidding"

S.P. 972 L.D. 2438

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-631).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-631) READ and ADOPTED.

Which was, under suspension of the Rules, 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:

PAPERS FROM THE HOUSE

Non-concurrent 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
(S "A" S-625)

Majority - Ought Not to Pass.

Minority - Ought to Pass.

In Senate, March 28, 1990, the Minority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-625).

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator THERIAULT of Aroostook, the Senate INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

Sent down for concurrence.

(See Action Later Today)

Non-concurrent Matter

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

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

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-600).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-600) AS AMENDED BY HOUSE AMENDMENT "B" (H-1027) thereto, in NON-CONCURRENCE.

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

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. As I understand in the present position the Bill is in, it has House Amendment "B", and I would pose a question through the Chair relative to that Amendment.

Mr. President, I note that House Amendment "B" provides for a rehabilitation period by creating an exception for any time during which an employee is medically disqualified from returning to the employees prior position under Federal Law or regulation. Those of you that are not familiar with this, this pertains to the Drug Testing Bill, and the Amendment that I am discussing suggests some changes that provide for those people who are covered by Federal Law to be exempt from certain portions of the Maine Law.

My question has to do with whether or not an employee may return to work and bump an employee when there is no other position available. In other words, if an employee is disqualified for medical reasons from work, and the employer hires a new person, and then later the person who was medically disabled returns and asks for his job, and there is no job, may he still be taken on the the employer and be paid, and the other employee loose his job?

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. In answer to the question to the good Senator from Aroostook, Senator Collins, as put before this Body, I would like to point out that this Amendment doesn't really do much of anything that is different that we all agreed to unanimously, when we passed this drug testing law last year.

There has been some concern over the last week, after the unanimous Report of the Labor Committee, on this Drug Testing Bill, that we may have created a situation where members of the transportation

(truckers), may have to follow two separate sets of Rules. The Federal Laws dealing with drug testing, and Maine Laws dealing with drug testing.

And when I worked with the Committee on Labor, they had decided yes, in fact, they did want two rules, that they wanted Maine Laws plugging in holes in any areas that were not covered by Federal Law. But after the discussion by the various groups, it was decided that maybe it would be too cumbersome, and we have been trying to work out an Amendment that would appease many of the concerns that those who brought those objections up, and I think we did that with the exception of this Amendment. What this Amendment would do is actually have those who fall under Federal Regulations, fall under Federal Regulations, with one exception, when it comes to rehabilitation. If the employers are going to drug test, and we understand that they are mandated drug testing, the drug tests that have to go through rehabilitation, the answer to your question is yes. While the person is going through rehab, if that person has been medically disqualified, that person does not have to be paid. When that person has gone through rehab and has completed rehab, and is ready to go back to work, he will go back to work under the Maine law, and he has to go back to his old position, or to a position that will get the same salary.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE
Joint Orders

The following Joint Order: H.P. 1792
ORDERED, the Senate concurring, that "Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine," S.P. 561, L.D. 1564, and all its accompanying papers be recalled from Engrossing to the House.

Comes from the House READ and PASSED.

Which was READ and PASSED, in concurrence.

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

The Committee on TAXATION on Bill "An Act to Restructure Exportation of Natural Resources"

H.P. 1748 L.D. 2411

Ought to Pass As Amended

The Committee on BANKING AND INSURANCE on Bill "An Act to Amend the Laws Applicable to Medicare Supplement Insurance Policies"

H.P. 1708 L.D. 2357

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1017).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1017) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, 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:

COMMUNICATIONS

The Following Communication:
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
March 28, 1990

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

Dear Mr. President:

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

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

YEAS: Senators 3
Representatives 8

NAYS: 0

ABSENT: 2 Rep. Marston of Oakland, Rep. Telow of Lewiston

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 Joanna Dennis of Waterville, for reappointment to the Maine Real Estate Commission be confirmed.

Sincerely,

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

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on Business Legislation has recommended the nomination of Joanna Dennis of Waterville be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senator PEARSON

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

ABSENT: Senators EMERSON

EXCUSED: Senator BRAUN

1 Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and 1 Senator being excused, and 1

being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED and the nomination of Joanna Dennis, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on MARINE RESOURCES on Bill "An Act to Ensure and Maintain Water Quality"

H.P. 1703 L.D. 2352

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1015).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015) AS AMENDED BY HOUSE AMENDMENT "A" (H-1016) thereto.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1015) READ.

House Amendment "A" (H-1016) to Committee Amendment "A" (H-1015) READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-1015) as Amended by House Amendment "A" (H-1016) thereto, ADOPTED, in concurrence.

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

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

The Committee on UTILITIES on Bill "An Act to Establish a System to Provide Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely on Teletypewriter Equipment for Telecommunications" (Emergency)

H.P. 1710 L.D. 2361

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1019).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1019).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1019) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, 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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Reduce Toxics in Packaging" (Emergency)

H.P. 1715 L.D. 2368

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1020).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1020) READ and ADOPTED, in concurrence.

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

The Committee on FISHERIES AND WILDLIFE on Bill "An Act to Amend Certain Provisions of the Fish and Wildlife Laws" (Emergency)

H.P. 1621 L.D. 2243

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1012).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1012).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1012) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, 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:

ENACTORS

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

An Act to Amend Vital Statistics Provisions Pertaining to Adoptions

S.P. 818 L.D. 2094

(C "A" S-602)

An Act to Amend the Child and Family Services and Child Protection Act

H.P. 1611 L.D. 2227

(C "A" H-952)

An Act Relating to Pharmacy Services to Nursing Home Residents

S.P. 886 L.D. 2262

(H "A" H-969 to C "A" S-586)

An Act to Amend the Definition of Public Way

H.P. 1645 L.D. 2278

(C "A" H-971)

An Act Concerning the Annual License Fee for Overboard Discharges

H.P. 1740 L.D. 2404

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

An Act Regarding Importation of Liquor

H.P. 1741 L.D. 2405

(S "A" S-604 to C "A" H-951)

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

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 Extend the Sunset and to Evaluate the Motor Vehicle Insurance Laws

S.P. 849 L.D. 2178
(S "A" S-598 to C "A" S-588)

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 to Clarify Eligibility Requirements for the Open Space Land Program

H.P. 1639 L.D. 2272
(C "A" H-973)

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

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 Deorganize Plantation E in Aroostook County

H.P. 1667 L.D. 2308
(S "A" S-603; S "B" S-609 to C "A" H-922)

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 the Licensing of and Use of Funds Raised by Organizations Operating Games of Chance or Beano

S.P. 937 L.D. 2372
(S "B" S-597; S "A" S-596)

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.

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 Regarding Security and Training Functions within the Bureau of Capitol Security and Funding for the Bureau of State Employee Health

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

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

Emergency Resolve

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

H.P. 1637 L.D. 2270
(H "A" H-998 to C "A" H-928)

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 29, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
114th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report 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).

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

Which was READ and ORDERED PLACED ON FILE.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator ERWIN for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend Maine's Underground Oil Storage Law"

S.P. 632 L.D. 1725

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-633).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-633) READ.

Off Record Remarks

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-634) to Committee Amendment "A" (S-633) READ.

Off Record Remarks

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

Senator LUDWIG: Thank you Mr. President. Ladies and Gentlemen of the Senate. I hope you will vote against the Amendment that was just offered, and any subsequent Amendment that may be offered to this very good Bill that came out of Committee with unanimous Report after two years of serious debate.

This particular Amendment would allow the major refiners to share in the Ground Water Oil Clean-up Fund, as well as the smaller dealers, which it was our intent to help. I consider this move unnecessary and unwise, since the major refiners are certainly in a position to carry their own insurance, and which they have had to do by law for the past year. It would save them, the major refiners, approximately \$600,000, but you and I, and each one of our constituents who use petroleum products would end up subsidizing the savings to the refiners.

This Bill was designed to help your local service station survive the expense of clean-up in the event of an oil spill, which could pollute local water supplies. It would allow the DEP to act promptly in terms of mediation, and do away with lengthy delays while the courts determine who was the guilty party. This Bill was designed to help the little guy, and for this reason I would ask you accept the Committees unanimous Report and reject this and any subsequent Amendment. Thank you Mr. President.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. In support of Adoption of the pending Amendment, I would remind the members of this Body that there are 37 states that have similar legislation, and none of them exclude those who are deemed as refiners, and these refiners, interestingly enough, lease most of their facilities to the small Maine business people. And many of these gasoline stations in Maine might be in question to, might have a cloud over their ability to access this Fund or their eligibility to access this Fund that is being created under this piece of legislation.

Senator LUDWIG of Aroostook requested a Division.

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

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

Senator ANDREWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question to anyone who would be able to answer it. Does this mean that the explanation on this Amendment, is it correct to assume then that a small service station that is leased from a larger oil company will be exposed or excluded if we do not Adopt this Amendment?

THE PRESIDENT: The Senator from Cumberland, Senator Andrews posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. The answer is yes, if that lease is from a corporation that owns a refinery.

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

Senator LUDWIG: Thank you Mr. President. Ladies and Gentlemen of the Senate. I might add that the real decision as to who pays for the insurance is based on who owns the tank. Different distributors have different arrangements with their customers,

whether there be leases or not, and often it is to the advantage of the person who leases the station to own the tank for a variety of reasons, so is there is no one short answer to that question.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland to ADOPT Senate Amendment "A" (S-634) to Committee Amendment "A" (S-633).

A vote of Yes will be in favor of ADOPTION of Senate Amendment "A" (S-634) to Committee Amendment "A" (S-633).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators CAHILL, CARPENTER, COLLINS, DILLENBACK, GAUVREAU, GILL, GOULD, HOLLOWAY, LUDWIG, PEARSON, PERKINS, RANDALL, TWICHELL, WEBSTER, WHITMORE

ABSENT: Senator EMERSON

EXCUSED: Senator BRAWN

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 1 Senator being absent, and 1 Senator being excused, the motion by Senator CLARK of Cumberland, to ADOPT Senate Amendment "A" (S-634) to Committee Amendment "A" (S-633), PREVAILED.

Committee Amendment "A" (S-633), as Amended by Senate Amendment "A" (S-634) thereto, ADOPTED.

Which was, under suspension of the Rules, 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:

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 to Finance Major Improvements and Renovations at State Parks and Historic Sites"

S.P. 995 L.D. 2461

Presented by Senator PERKINS of Hancock

Cosponsored by Senator PEARSON of Penobscot, Representative CARTER of Winslow and Representative SMALL of Bath

Senate at Ease

Senate called to order by the President.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. We have before us right now a reference of a Bond Issue. There are eight Bond Issues in the legislative process right now, being introduced, right now, eight.

I was the prime sponsor on the Bond Issue dealing with Land for Maine's Future. My Bond Issue was in two months ago, there is no reason, and it is irritating for me, there is no reason to wait until the last days of the session to put in eight Bond Issues.

With the work that my Committee has to do to have advertised for and have Public Hearings for, eight

Bond Issues means that really public input will be nil. There is no need for it, it's boiler plate language for the most part, you determine how many years you want to float the Bonds, you determine how much money you want for the Bonds, and where it is to go, and you put it in the Legislature. It is not a difficult Document to deal with, and to say the very least, it appears to me as though it were deliberately done for the last minutes of the Legislature.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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 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)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-621).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-621) AS AMENDED BY HOUSE AMENDMENT "A" (H-1024) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

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)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961) AND HOUSE AMENDMENT "A" (H-1026) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

ORDERS

Joint Resolutions

On motion by Senator ANDREWS of Cumberland (Cosponsored by: Representative FARNSWORTH of Hallowell) the following Joint Resolution:

S.P. 996

JOINT RESOLUTION RECOGNIZING THE TENTH ANNIVERSARY OF THE ASSASSINATION OF ARCHBISHOP OSCAR A. ROMERO

WHEREAS, Archbishop Oscar A. Romero was brutally assassinated 10 years ago while celebrating Mass in the cathedral in San Salvador, El Salvador; and

WHEREAS, Archbishop Romero was an outspoken champion of the civil, human and spiritual needs of the people of El Salvador; and

WHEREAS, Archbishop Romero devoted himself to improving the life of the poor, speaking out against government repression and institutional violence, and supporting the efforts of the people of El Salvador to triumph over poverty and political oppression; and

WHEREAS, Archbishop Romero was also an outspoken critic of the death squads who are accused of

orchestrating the disappearance and death of many of the 60,000 civilian casualties of the civil war; and

WHEREAS, Archbishop Romero's unflinching and outspoken opposition to the military domination of the people of El Salvador led to his brutal and untimely assassination; and

WHEREAS, the memory of Archbishop Romero is testimony of the courage, perseverance and dedication of the Salvadoran people to peace, progress and self-determination; and

WHEREAS, March 24, 1990, marked the 10th anniversary of the assassination of Salvadoran Archbishop Oscar A. Romero, courageous champion of human rights, civil liberties and peace and justice for all of the people of El Salvador; and, now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the great and sovereign State of Maine, now assembled, pause in a moment of silence to remember and honor the life of Archbishop Oscar A. Romero, the principles for which he stood and to call for the establishment of human rights in El Salvador and the facilitation of a negotiated settlement of the civil war.

Which was READ.

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

Senator ANDREWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I have with great pride stood with the members of this Senate in the past, and most recently, yesterday, to take a stand for those people who have been courageous enough to stand for justice and human rights and against oppression in other parts of the world, and to condemn that oppression and discrimination in other parts of the world. Yesterday, the location was Northern Ireland. Last session we discussed South Africa, and today this Joint Resolution regards El Salvador and Central America.

We have just passed, this past weekend, the tenth anniversary of the assassination of Archbishop Oscar A. Romero, who was, while celebrating mass in San Salvador, El Salvador, brutally murdered. Archbishop Romero was a great champion, not only of the spiritual needs of his people, but also in speaking out against the political, the economic, and the social oppression of those people.

Since the death of Archbishop Romero, more than 60,000 Salvadoran people have been murdered as part of the civil strife of that country. More than 600,000 elementary school children have no access to education. More than 40 church workers have been jailed, and several other priests and nuns have been murdered or threatened with murder since that time.

So it is not only to recognize this great man, and his contribution to the cause of peace and social justice in that part of the world, but it is also in recognition of the great injustice that continues to go on in that part of the world that I offer this Resolution. May we live with the spirit of Archbishop Romero, and not forget the oppression that continues to go in El Salvador today, despite, ladies and gentlemen of the Senate, the four billion dollars that the United States has invested in that country since the death of Archbishop Romero. Thank you.

Which was ADOPTED.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Amend Certain Sales Tax Exemptions"

H.P. 1573 L.D. 2180

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1029).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1029).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1029) READ and ADOPTED, in concurrence.

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

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

Off Record Remarks

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

Divided Report

The Majority of the Committee on AGRICULTURE on Bill "An Act to Increase Penalties for Violation of the Pesticide Laws"

H.P. 1386 L.D. 1916

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1022).

Signed:

Senators:

- TWITCHELL of Oxford
- KANY of Kennebec
- EMERSON of Penobscot

Representatives:

- TARDY of Palmyra
- NUTTING of Leeds
- BELL of Caribou
- PARENT of Benton
- WHITCOMB of Waldo
- PINES of Limestone
- ALIBERTI of Lewiston
- MAHANY of Easton

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-1023).

Signed:

Representative:

- HUSSEY of Milo

Comes from the House the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1022).

Which Reports were READ.

The Majority OUGHT TO PASS AS AMENDED by Committee Amendment "A" (H-1022) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1022) READ and ADOPTED, in concurrence.

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

Divided Report

The Majority of the Committee on BANKING AND INSURANCE on Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies"

H.P. 1598 L.D. 2222

Reported that the same Ought Not to Pass.

Signed:

Senators:

- THERIAULT of Aroostook
- BUSTIN of Kennebec
- COLLINS of Aroostook

Representatives:

- RYDELL of Brunswick
- ERWIN of Rumford
- KETOVER of Portland
- RAND of Portland
- TRACY of Rome
- ALLEN of Washington
- JOSEPH of Waterville
- DONALD of Buxton
- GARLAND of Bangor

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1018).

Signed:

Representative:

- CURRAN of Westbrook

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1018).

Which Reports were READ.

On motion by Senator THERIAULT of Aroostook, the Majority OUGHT NOT TO PASS Report ACCEPTED in NON-CONCURRENCE.

Sent down for concurrence.

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:

An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs
H.P. 1541 L.D. 2126
(S "A" S-624 to C "A" H-874)

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

An Act to 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)

Senate at Ease

Senate called to order by the President.

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending ENACTMENT.

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)

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

An Act Creating the Long Pond Water District

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

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

Emergency

An Act to Implement Changes to the Homestead Property Tax Exemption Law

S.P. 827 L.D. 2135
(H "A" H-1014 to C "A" S-613)

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with No Senators having voted in negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, this Bill FAILED ENACTMENT.

On motion by Senator KANY of Kennebec, the Senate RECONSIDERED whereby this Bill FAILED ENACTMENT.

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 Amend the Law Concerning Public Drains and Sewers Crossing Railroad Rights-of-way

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

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 Improve the Organizational Structure of the Inland Fisheries and Wildlife Advisory Council

H.P. 1660 L.D. 2300
(H "B" H-880; S "A" S-623 to H "A" H-818)

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 Create the Winter Harbor Water District

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

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 Create the Columbia Falls Water District

S.P. 939 L.D. 2374
(C "A" S-608)

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 Deorganize the Plantation of Prentiss in Penobscot County

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

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:

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on BANKING AND INSURANCE on Bill "An Act to Improve Oversight of the Financial Condition of Insurers"

S.P. 884 L.D. 2253

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-635).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-635) READ and ADOPTED.

Which was, under suspension of the Rules, 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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Increasing the Borrowing Capacity of the Mars Hill Utility District" (Emergency)

H.P. 1795 L.D. 2462

Committee on UTILITIES 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 to the Engrossing Department.

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure Proper Oversight of State Spending

H.P. 1793 L.D. 2459

Bill "An Act to Implement Meaningful Legislative Oversight of State Finances"

H.P. 1794 L.D. 2460

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.

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 Relating to the Maine Correctional Advisory Commission

S.P. 60 L.D. 43

(C "B" S-618)

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. The office of Fiscal and Program Review has not had time to catch up with the Supplements. I don't know which ones would go on the Table at this point.

On motion by Senator PEARSON of Penobscot, Tabled until Later in Today's Session, pending ENACTMENT.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Construction of Water Pollution Control Facilities"

S.P. 997 L.D. 2464

Presented by Senator CAHILL of Sagadahoc
Cosponsored by Representative HEPBURN of Skowhegan
Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Construction and Improvements Necessary to Continue Marine Research and Public Health Operations at McKown Point in Boothbay Harbor"

S.P. 998 L.D. 2465

Presented by Senator HOLLOWAY of Lincoln
Cosponsored by Representative BREWER of Boothbay Harbor

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

Sent down for concurrence.

Resolve, to Establish a Select Committee on Comprehensive Tax Reform (Emergency)

S.P. 999 L.D. 2466

Presented by Senator ESTES of York
Cosponsored by Senator ANDREWS of Cumberland, Representative CASHMAN of Old Town and Senator BRANNIGAN of Cumberland

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.

ORDERS OF THE DAY

On motion by Senator DUTREMBLE of York, the Senate removed from the Unassigned Table the following:

JOINT ORDER - relative to Committee on Housing and Economic Development reporting out "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing" to the House

H.P.1773

Tabled - March 20, 1990, by Senator DUTREMBLE of York.

Pending - Motion by same Senator to INDEFINITELY POSTPONE

(In Senate March 20, 1990, READ and INDEFINITELY POSTPONED. Subsequently, RECONSIDERED INDEFINITE POSTPONEMENT.)

(In House, March 20, 1990. READ and PASSED.)

Senator DUTREMBLE of York requested and received Leave of the Senate to withdraw his motion to INDEFINITELY POSTPONE.

Which was PASSED, in concurrence.

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

Ought to Pass As Amended

The Committee on LEGAL AFFAIRS on Bill "An Act Concerning the Carrying of Firearms and Firearms Safety Programs"

H.P. 1737 L.D. 2398

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1030).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1030).

Which Report was READ.

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

Senator MATTHEWS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to share with you something that came by my attention the other day, which I thought was kind of interesting.

As we deal with gun control legislation, and many of us have philosophical viewpoints on either side of that issue, and this particular Bill addresses very comprehensively, some of the kinds of concerns that individuals have from those of us like myself that happen to oppose gun control, to those that happen to be fervent believers in gun control.

I found it very interesting as I was heading home the other day, listening to the radio, discussing the situation in Lithuania. The first thing the Soviet's did when they decided to arm the tanks on the border of Lithuania, was have the Lithuania people turn in their hand guns, their rifles, and everything else. That has always been a concern of those of us in this country, that is a right we enjoy. Thank you.

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.
Committee Amendment "A" (H-1030) READ and ADOPTED, in concurrence.

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

Senate at Ease
Senate called to order by the President.

On motion by Senator CAHILL of Sagadahoc, RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

ORDERS OF THE DAY

The following matters in the consideration of which the Senate was engaged at the time of Recess, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate:

Emergency

An Act to Establish a Consolidated Retirement Plan in the Maine State Retirement System for Participating Local Districts

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

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 Strengthen the Laws Regarding the Casual Disposal of Solid Waste

S.P. 891 L.D. 2267
(C "A" S-619)

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.

On motion by Senator PEARSON of Penobscot, the Senate removed from the Table the Tabled and Later Today Assigned matter:

Emergency

An Act Relating to the Maine Correctional Advisory Commission

S.P. 60 L.D. 43
(C "B" S-618)

Tabled - March 29, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 29, 1990, PASSED TO BE ENACTED.)

(In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-618).)

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:

ENACTORS

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

Emergency

An Act to Amend the Natural Resources Protection Act

S.P. 894 L.D. 2276
(H "A" H-987 to C "A" S-594)

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 Regarding the Operation of Bottle Clubs

S.P. 942 L.D. 2380
(C "A" S-615)

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 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
(S "A" S-620)

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:

ENACTORS

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

Emergency

An Act to Clarify the Laws Governing Prelitigation Screening Panels

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

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 Extend and Amend the Authorization for the Maine High-Risk Insurance Organization
H.P. 1425 L.D. 1977
(C "A" H-980)

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

Emergency

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)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 2 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.

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 Improve the Job Opportunities Zone Act
H.P. 1690 L.D. 2340
(H "A" H-1011 to C "A" H-1003)

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

Emergency

An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989

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

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.

Emergency

An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds

H.P. 1642 L.D. 2275
(H "A" H-1013 to C "A" H-902)

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

presented by the Secretary to the Governor for his approval.

ENACTORS

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

An Act to Provide Additional Remedies for Consumers Injured by Unfair Insurance Trade Practices
H.P. 1600 L.D. 2224
(C "A" H-979)

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

H.P. 1651 L.D. 2284
(C "A" H-995)

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

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

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

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

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

An Act to Create a Community Restitution Center

H.P. 1640 L.D. 2273
(C "A" H-1002)

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

An Act to Provide Greater Opportunities for Orphans and Foster Children

H.P. 1685 L.D. 2333
(C "A" H-1010)

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

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)

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

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:

Resolve

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)

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

Resolve, to Reauthorize the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards

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S.P. 964 L.D. 2431

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

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 Regulate the Handling of Manure"
H.P. 1575 L.D. 2182
(S "A" S-599 to C "A"
H-910; H "A" H-946 to S
"A" S-565)

In House, March 14, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910).

In Senate, March 15, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AND SENATE AMENDMENT "A" (S-599) in NON-CONCURRENCE.

In House, March 19, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AND SENATE AMENDMENT "A" (S-599) AS AMENDED BY HOUSE AMENDMENT "A" (H-946) thereto, in NON-CONCURRENCE.

In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-599), thereto AND SENATE AMENDMENT "A" (S-565) AS AMENDED BY HOUSE AMENDMENT "A" (H-946) thereto, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910) AS AMENDED BY SENATE AMENDMENT "A" (S-599) AND HOUSE AMENDMENT "A" (H-1033), thereto AND SENATE AMENDMENT "A" (S-565) AS AMENDED BY HOUSE AMENDMENT "A" (H-946) thereto, in NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED.

The same Senator further moved INDEFINITE POSTPONEMENT of Bill and Accompanying Papers.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. I really do not know the merits of this Bill, but after looking at this Supplement, I think we ought to collect them all and burn them before the public sees what is going on.

On motion by Senator KANY of Kennebec, Tabled 1 Legislative Day, pending the motion of Senator WEBSTER of Franklin to INDEFINITELY POSTPONE Bill and Accompanying Papers in NON-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 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)

In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960), in concurrence.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960) AND HOUSE AMENDMENT "A" (H-1035) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

PAPERS FROM THE HOUSE
House Papers

Bill "An Act to Reduce the Administrative Costs of State Government" (Emergency)

H.P. 1796 L.D. 2463

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

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

In reference to the action of the Senate earlier today, whereby the Senate INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE 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
(S "A" S-625)

The Chair appointed as conferees on the part of the Senate:

Senator THERIAULT of Aroostook

Senator BUSTIN of Kennebec

Senator COLLINS of Aroostook

The Secretary has so informed the Speaker of the House.

Off Record Remarks

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease
Senate called to order by the President.

Off Record Remarks

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

Off Record Remarks

The ADJOURNMENT ORDER having been returned from the House READ and PASSED, in concurrence, on motion by Senator DUTREMBLE of York, ADJOURNED until Thursday, April 5, 1990, at 12:00 in the afternoon.