

MAINE STATE LEGISLATURE

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ERRATA:

**The permanent edition of the
Legislative Record includes
a gap in the Senate proceedings for
April 13, 1990.**

**On page 1153, there is material missing
between the bottom of the first column
and the top of the second column.**

**The relevant pages from
the Senate Journal are inserted
to indicate the work of the chamber
during that period.**

LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

March 20, 1990 to April 14, 1990

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 7, 1988 to April 14, 1990

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

In Senate Chamber
Friday
April 13, 1990

Senate called to Order by the President.

Prayer by the Honorable Margaret G. Ludwig of Aroostook.

THE HONORABLE MARGARET G. LUDWIG: As a thought for today, I would like to offer the following words by Stephen Gurley. "I expect to pass through this world but once. Any good thing, therefore, I can do, or any kindness that I can show to any fellow creature, let me do it now. Let me not defer or neglect for I shall not pass this way again." Ever loving and ever living God, watch over us in these last remaining hours of deliberation. Give us the courage to do what is right for the people of Maine. Let us return to our homes with no feelings of animosity, with those of whom we have had honest, philosophical disagreements, and let us realize what ever happens here today, eventually, Thy will be done. Amen.

Reading of the Journal of Thursday, April 12, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

JOINT ORDER - recalling "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 from the Governor's desk to the Senate.

S.P. 1007

In Senate, April 12, 1990, READ and PASSED.
Comes from the House READ and INDEFINITELY POSTPONED in NON-CONCURRENCE.
The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
April 12, 1990

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

Dear Madam Secretary:

House Paper 1249, Legislative Document 1747, AN ACT to Protect the Public from Unsafe Industrial and Commercial Facilities, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Ninety-three voted in favor and fifty against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
S/Edwin H. Pert

Clerk of the House
Which was READ and ORDERED PLACED ON FILE.

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

April 11, 1990

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

Dear President Pray:

Enclosed is a summary of the report "The Use and Potential Impact of Forestry Herbicides in Maine." This report was commissioned by the Department of Conservation to examine the use of forestry herbicides. The report summarizes, in an objective manner, information on use of herbicides in forest management. This study is part of the effort of the Department to assess the effect of various factors on the present and future forests of Maine.

The report addresses items of particular interest to the public regarding the use of herbicides in forest management, including the relationship of herbicides to water quality and wildlife. It also presents the characteristics of the principal herbicides used in the State. The report projects that future forest herbicide use likely will be stable at current levels. This is the first time a comprehensive report has been done with an emphasis on forestry herbicide use in Maine.

The enclosed document is a condensed version of a much larger (300+ page) technical document. We believe both documents will lead to a greater understanding and contribute a great deal to the continuing discussion of herbicide use in Maine. Additional copies of this report are available from the Maine Forest Service.

Sincerely,
S/C. Edwin Meadows
Commissioner
Department of Conservation

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

The Following Communication:
MAINE TECHNICAL COLLEGE SYSTEM
323 STATE STREET
AUGUSTA, MAINE 04333

April 9, 1990

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

Dear President Pray:

I am pleased to submit the 1988-1989 Annual Report of the Maine Vocational-Technical Institute System. The report summarizes activities for the period July 1, 1988 to June 30, 1989.

This report marks our fourth year as an independent institution, and a pivotal point in the System's development. As you know, the 114th Legislature recently passed a bill that changed our name to the Maine Technical College System, an important step in our ability to define our role in Maine's education and training community.

Another highlight of the year was the approval of our \$20 million bond issue, which will enable us to make essential capital improvements at our six college campuses. This investment by the people of Maine will ensure our continued growth into the 1990's, and

will make us an even more vital resource for our students and local communities. I hope you will take a moment to review the summaries of highlights of the six campuses, as they illustrate our ongoing commitment to growth and professionalism, whether its through the development of new programs; the acquisition of new and more up-to-date equipment to keep pace with changes in technology; enhancing our links to local communities; or investments in the professional development of staff and faculty. I hope you agree with me that the Maine Technical College System is in the midst of an exciting period of growth and development. I look forward to working with you to make this System one of the best in the nation.

Sincerely,
S/John Fitzsimmons
Executive Director

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

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333
April 12, 1990

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

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates" (S.P. 1004) (L.D. 2492)

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

Which was READ and ORDERED PLACED ON FILE.
The Chair appointed as conferees on the part of the Senate:
Senator KANY of Androscoggin
Senator CLARK of Cumberland
Senator CAHILL of Sagadahoc
The Secretary has so informed the Speaker of the House.

COMMITTEE REPORTS
House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for the Restoration and Preservation of Historic Buildings" H.P. 1381 L.D. 1912

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1122).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1122).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (S-1122) 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.

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

Senate

Ought to Pass

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for Acquisition of Certain Rail Lines, Rail Trackage Rights or Easements or Ancillary Rights and Interests for the Establishment, Preservation and Operation of a Rail System to Service Maine" S.P. 1009 L.D. 2504

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

Under suspension of the Rules, READ TWICE.

On motion by Senator CAHILL of Sagadahoc, Senate Amendment "A" (S-700) READ and ADOPTED.

Which was PASSED TO BE ENGROSSED, as Amended.

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

ENACTORS

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

Emergency

An Act to Revise the Salaries of Certain County Officers

H.P. 1833 L.D. 2506

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in negative, and 34 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.

Bond Issue

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

H.P. 1786 L.D. 2456

(C "A" H-1121)

This being a Bond Authorization Act and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and the Environment from Uncontrolled Hazardous Substance Sites

H.P. 1798 L.D. 2468

(C "A" H-1120)

This being a Bond Authorization Act and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The Chair laid before the Senate, the Tabled and Specially Assigned matter:

Bill "An Act to Clean the Environment by the Reduction of Toxics Use, Waste and Release"

S.P. 1011 L.D. 2507

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

Pending - PASSAGE TO BE ENGROSSED, without reference to a Committee

(Committee on ENERGY AND NATURAL RESOURCES suggested and ORDERED PRINTED.)

(In Senate, April 12, 1990, under suspension of the Rules, READ TWICE.)

On motion by Senator DUTREMBLE of York, Senate Amendment "A" (S-708) READ and ADOPTED.

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

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

The Chair laid before the Senate, the Tabled and Specially Assigned matter:

JOINT ORDER - ordering the Joint Standing Committee on Appropriations and Financial Affairs report out such legislation as it determines necessary to increase the borrowing authority of the University of Maine System.

H.P. 1834

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

Pending - PASSAGE

(In House, April 12, 1990, READ and PASSED.)

(In Senate, April 12, 1990, READ.)

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

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

Bill "An Act Regarding Municipal Shellfish Regulations"

H.P. 1533 L.D. 2118
(S "A" S-579 to C "A" H-887)

Tabled - March 19, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In House, March 9, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887).)

(In Senate, March 14, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887) AS AMENDED BY SENATE AMENDMENT "A" (S-579) thereto, in NON-CONCURRENCE.)

(In House, March 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-887) AS AMENDED BY HOUSE AMENDMENT "A" (H-927) thereto, in NON-CONCURRENCE.)

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

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

NOMINATION - of Robert A. Moore of Falmouth for appointment to the Maine Maritime Academy Board of Trustees.

Tabled - April 9, 1990, by Senator CLARK of Cumberland.

Pending - CONSIDERATION

(In Senate, April 6, 1990, Communication from the Committee on EDUCATION READ and ORDERED PLACED ON FILE.)

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. My rising this morning on the nomination pending before us, in no way casts suspicions on the nominee. For upon even a cursory review, and particularly for those of us who have known him and of his work when he served as Chief Administrative Assistant to our Governor, Robert A. Moore will serve well on the Board of Trustees of the Maine Maritime Academy.

My purpose in rising this morning, is to express in public and on the record of this Chamber, and in this confirmation process as it culminates, my concern about the process that was involved in this particular nomination, which replaces an incumbent member of the Maine Maritime Academy Board of Trustees, the Honorable Barbara M. Trafton of Auburn, who served with particular distinction as a member of the other Body, and also, multiple terms in this Body.

Barbara Trafton is an eminently qualified person. She has exercised all of those qualities and characteristics that one seeks in a member of a Board of Trustees. She is committed. She is dedicated. She has been deeply and keenly involved in the administrative policy development of the Maine Maritime Academy. In her five years of service as a member of the Board of Trustees, she has missed only one meeting, and that, frankly, probably most of us would have missed if you were to travel from Auburn, Maine, to Castine, Maine, in a raging snow storm.

The process involved in this nomination alleges that the incumbent Trustee, Barbara Trafton, did not make her desire to seek reappointment known to this Administration, and I submit for your consideration, and only for the record this morning, that the incumbent, who was not renominated, or reappointed by our Governor, did formerly request that she be reappointed following the process that has been the modus operandi of the Board of Trustees of the Maine Maritime Academy. More precisely, indicating to the Chairman of that Board of Trustees, the Honorable Joseph Sewall, who served, also, with particular distinction in these and many sessions of the legislature, and most notably as the President of the Maine Senate for multiple years.

Knowing that she was following the process of former members of the Board of Trustees, who expressed their desire to be renominated or reappointed to the Board, to the Chair, and recognizing that this trustee received copies of letters written on her behalf by members of the Board of Trustees with whom she served, I find it particularly distressing that she was not given meaningful consideration, and I charge here this morning that the Administration is insensitive to a number of issues that are of concern to the members of this Body. More precisely, that there seems to be lack of communication between the current Administration, and the Administration of the Maine Maritime Academy.

The Board of Trustees at the Maine Maritime Academy have developed and established a strategic plan which will be a blueprint for the future of that distinguished institution, and that blueprint includes women, and it moves away from the military aspect which has been long associated with the Maine Maritime Academy. The Maine Maritime Academy and the future of that Academy, in fact, will encompass all aspects of that which is associated with marine life and marine industry, not only on the coast of Maine, but internationally.

This was an opportunity for our Governor to reach out, if not to Barbara Trafton, frankly, but to any number of qualified women, Republican or Democrat in our state, to nominate to the Board of Trustees of the Maine Maritime Academy. If in fact, that Academy is to fulfill its roll, and assertively recruit women among its student body as has been its practice for the last decade, it stands to reason that women would be prominent among the developers of the policy for the Academy, as well as, roll models, for not only the students within the academies core of mid-shipmen, but for those who would seek access and entrance to that Academy.

I am not submitting here, members of the Senate, that there are men who are not able to project and be sensitive to the incorporation of young women among the core of cadets or core of mid-shipmen at the Academy. But in this day, 1990, women are emerging prominently among the policy making boards of everything that represents educational, business, and industrial boards across our state.

More precisely in this process, the former trustee, or the trustee who was not renominated, indicated her desire to be reappointed to the Chair of the Board of Trustees, and in the process of the public hearing on the nominee, Robert Moore, I submit that untruths and dishonesty prevailed, for in response to questions tendered by members of the Committee on Education, indications are, having listened to the tape, that the basis for the non-reappointment, is because Barbara Trafton did not notify the Administration of her desire to be reappointed. I submit, that in fact, that she followed what was the process, and if she had gone outside of the process at past practice for the Board of Trustees of the Maine Maritime Academy, she still would not have been renominated.

I will leave the process involved at the public hearing to members of the Committee on Education, but would charge the nominee before us today, Robert A. Moore, Esquire, to equal the record of the trustee he is replacing, to take from his professional and personal time, the large amount of energy and commitment to the Academy, that that Academy merits, for it needs totally committed trustees. Its survival depends on the dedication and commitment of its trustees. I submit with no shadow cast on the nomination of Robert Moore, that there was involved in this process, a lack of honesty, partisanship, and insensitivity to what we to encompass, to use an easy phrase that encompasses all what is the emergence of women in policy making decisions in our state, a lack on insensitivity and responsiveness to what are the women's issues. It is more disturbing than I would like to be, for sometimes I am disturbed by the lack of insensitivity, and particularly this one, that this was not handled better.

The Governor has made his decision. I respect his choice. I also intend to respect the unanimous recommendation of the Joint Standing Committee on Education with reference to the nominee, Robert Moore, and frankly, I think he is a fine man. I do submit that our Governor lacked understanding with

reference to the Maine Maritime Academy, and the importance of its mission, and frankly, members of this Senate, I think it is time as have the Republicans echoed in years past, the Democrats be given an equal standing for consideration on boards, panels, commissions, that develop policy and reflect leadership in our state across all spectrums. It is not consistent with this Administration in comparison to Administrations immediately past, that the media, namely the newspapers, have not picked up and closely scrutinized the number of partisan appointments that have been made by this Administration. To the detriment of those who are enrolled as Democrats, and who continue to seek appointment, to express interest, and who are as qualified. A balance, and a representative balance even as the minority is desired, we recognize the political lay of the land, but I bring this to your attention in the waning days of this legislature, for it is dramatically reflected in the appointment before us.

No trustee, meaning precisely the Honorable Barbara Trafton, has been blessed with a stronger lobbying effort on her behalf, than was the trustee who was not reappointed. There is not stronger record of incumbency to document the justification for reappointment of Barbara Trafton, and that is substantiated by the letters from the trustees with whom she served.

I intend this morning to vote no on the pending question before us, and thus support the nomination of Robert A. Moore to the Maine Maritime Academy Board of Trustees. I charge this nominee, particularly, to equal the record of the incumbent he replaces. I charge this trustee with an additional burden which I hope he will assume, to not only equal the record of the incumbent that he replaces, but lead the Board of Trustees in a way that is not only congenial and compatible with the mission that the Board of Trustees have embraced, but to seek further through whatever avenue is afforded this trustee and the board that he joins, to reach out and rejuvenate the Academy that has so long served this state and the maritime history that is its heritage. Thank you Mr. President.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to shed a little light on the circumstances that took place in regards to the confirmation hearing that the Joint Standing Committee on Education held on April 5th, to consider the Governor's nomination of Robert Moore to the Maine Maritime Academy Board of Trustees.

That hearing took place along with four others that afternoon. It was the third series of confirmation hearings that we had held in a week. Thirteen nominations coming down for various education boards. The Education Committee has always taken the confirmation process very seriously, and we have had some problems in the past that seemingly have been corrected. One of the problems that we recognized is that sometimes people get on boards and they simply just don't have time, as witnessed by two vacancies that were on the Technical College Board that had been open since September that came before us that same week. Often times that makes it very difficult for boards to even get a quorum in order to do the work that they are supposed to do.

We were aware that former Senator Barbara Trafton's term had expired. But because of the hectic Committee schedule, trying to get Bills out, trying to finish up with the Education Budget Review, dealing with twelve other nominations, along with the session responsibilities, members of the Committee

and partisan staff were not able to do the normally thorough review in the backgrounds of the nominees and the circumstances behind their nomination.

We were aware that Mr. Moore was very interested in becoming a trustee of the Board, his qualifications are outstanding, I have no problems with the caliber of this appointment. And apparently the Maine Maritime Board is a very popular Board, because there were eighteen other candidates, all of them male, who either applied for the job, or were recommended by someone else for the job to the Governor.

On that day, April 5th, there were two very pertinent questions that were asked to Miss Kim Russell, the Governor's Representative, by the good Representative from Lewiston, Representative Handy. The first question was, "Did former Senator Trafton express an interest in being reappointed?" Miss Russell's response was, "She did not express anything to the Administration or to the Chairman."

Since that hearing it has come to the attention of members of this Body, the other Body, and particularly the Education Committee, that in fact, Miss Trafton did indeed express a desire to be reappointed to the Board of Trustees. She had expressed her interest to Joe Sewell, who is the Chairman of the Board, and that furthermore, Chairman Sewell communicated her interest in continuing to serve on the Board of Trustees in a letter to the Governor that was dated January 24th. An excerpt from that states that "Barbara has done an exceedingly conscientious, intelligent, and productive job as a trustee, and in my opinion deserves to be reappointed. We seemed to have gotten the Academy back on sound footing and it's continued successful progress depends on so much an involved and capable board. I hope you will agree with my reasoning on this matter."

The second question that Representative Handy asked in the hearing was, "Do you have any knowledge of her possibly indicating the preference to be reappointed to anyone else?" And Miss Russell's reply was "no". It has come to our attention that three other trustees contacted the Governor to express Miss Trafton's wishes, Mr. William Haggett and Warren Cook wrote to the Governor to express strong support for her reappointment. Those letters were dated on the 13th of March and the 8th of March. In fact, Mr. Cook wrote and said, "She is probably the most capable trustee on the Board and is as committed as Ken Curtis to putting the Academy back on top, if it would be helpful, I would give her my seat because I feel so strongly about her capabilities. Education should be a top priority in this state, and we need people like Barbara to lead the way." It was also another member of the Board of Trustees, Mrs. Elizabeth Noyes, who met with the Governor, as we understand, and personally expressed her support for Trafton's reappointment.

I submit to you that the answers that members of the Education Committee, and particularly, Representative Handy received were less than truthful. I was also curious to find out that Mrs. Trafton was called and advised that the Governor was going to nominate Robert Moore, and not reappoint her. I think the Governor's office was well aware of the fact that Mrs. Trafton was interested, that she was a very dedicated member of the Board of Trustees who gave much of herself, much of her time, the type of people that we need serving on boards like the Maine Maritime Academy Trustee Board, or the University of Maine System Board, or the Technical College Board.

I am disappointed with the way that the process worked, and feel that it has been slightly tainted. It has been the normal action of members of the Education Committee to ask why a person is not being reappointed, to find out whether it was a voluntary step down or not, and in this case I think we had been misled. We would have certainly discussed this issue further if all the information been available to us regarding her desire to be reappointed, as well as her strong support for other board members. Unfortunately, that information came after the fact, after the vote.

We have sent a letter to the Governor's Representative asking why this information was withheld, and we hope we do get a response as soon as possible. I trust that a lesson has been learned from this, and I do urge the Governor to seriously consider the work of those people who have demonstrated their capabilities and their dedication to serving on various boards, and that the most important consideration should be productiveness of their work, and their dedication to do the best job that they possibly can. When is the vote is taken this afternoon, I will be voting No in support of the Committee's recommendation for Mr. Moore. Thank you very much.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, when the vote is taken will be voting no in support of this nomination.

When I came into the legislature many years ago, in the class that I came in with, Barbara Trafton was among the members of that same class. I have had an opportunity to work with Barbara through the years because she has been employed by a hospital, and I have been employed by a hospital, and we have worked together on some mutual projects that both of our facilities have joined together with.

I was not at the hearing on Robert Moore, as were my two Senate fellow members on the Education Committee, because we were engaged in our work here in the Senate Chamber. But I did take the time to call Barbara Trafton personally, and asked her if she did in deed let the Governor know that she was interested in that position. When I asked her the question, there was a pause, and then she indicated that she had lobbied very hard for this position, and I said, but Barbara, did you in fact to be reappointed to the Governor, did you ask that question to the Governor or did you ask that question to anyone in that office, and she said no. She did talk to her fellow members, obviously, on the Board, but she did not talk to the Governor or talk to his appointments person about the possibility of a reappointment.

I know that in the past years, and just recently, I had someone who was interested in being reappointed to a position and had called me to solicit my support for his nomination, and I asked if he had made known to the Governor that you would like to be renominated to this position, and he said no, and I said you had better do that. That is always the first order of business, as far as I am concerned, to let the Governor know, if it's his appointment, that you would refer to be reappointed to any position that you now hold.

Barbara did not do that. I know she lobbied, I know people respect her, Barbara is a hard worker, but we have before us here, an appointment of the Governor, and to say that Mr. Moore may not have the time, or he may not put the energy into that position, I do not think it is proper to do that.

Mr. Moore would not accept a position of this type if he didn't intend to put the time in, and if he didn't care about the Institution, and was willing to work towards its betterment. I feel very strongly that the candidate that we have before us is a good candidate. It is unfortunate that Barbara is not being utilized in that capacity, but there may be other opportunities down the road for Barbara, if she so chooses to make her wishes known.

As far as equity for women, I have been here fourteen years, and I have never seen any Governor, from Longley through the Brennan Administration, put in as many women in public office as Governor McKernan has put into public office. He has utilized their experience, he has placed them in high positions, he values women. As a woman, I know how good we are, and I am really glad to know that the Governor of this state recognizes the value and the experience, and that he utilizes women where he can on boards. I will vote no when then nomination comes up today.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. I always hate it when people say they didn't intend to rise on a particular issue, but I find myself in that situation today. I didn't intend to rise on this issue, but I feel as one of the Republican leaders in this legislature, and as a woman Senator, I need to respond to some of the remarks that were made.

First of all, I would like to say that I find it interesting when today, Governor McKernan has been criticized for not being sensitive to women's needs, that when Governor Curtis was Governor of the State of Maine, he appointed no women to the Board of Directors of Maine Maritime Academy, and in fact, he appointed no highly partisan Democrats to that Board, either. I also think it is interesting to say that Governor McKernan has gone out of his way to avoid appointing Democrats to any boards and commissions. I think that completely baffles me, because sometimes in our caucus a lot of our membership will squabble a little bit when there are Democrat appointees appointed by Governor McKernan. And in fact, Governor McKernan just reappointed David Flannagan to the University of Maine Trustees, David Flannagan being the legal counsel under former Governor Brennan. And in fact, there was one time when I served in this legislature, the State Board of Education was controlled entirely by a Democratic Board under the Brennan Administration.

Finally, I have to talk about the women's issues a little bit, because that is what really deeply affects me and troubles me about some of the remarks were made. If the good Senator from York, Senator Estes, had gone on reading the memo from the former President of the Senate of this Body, Joe Sewell, the letter that apparently former Senator Trafton wrote to Joe Sewell, it would say that former Senator Trafton, she said that she unequivocally would support Governor McKernan in his re-election attempt because of his support of women's issues. Unequivocally support Governor McKernan because of his support of women's issues in this legislature. And finally, I guess that I would just like to say that there are more women serving in this Administration than any other women in history, and there are more women, ladies and gentlemen, serving in state government as a whole than any time under any Governor in history of the State of Maine under the McKernan Administration.

It is the Governor's prerogative, it is one of the benefits, if you will, that the Governor has, is

to appoint these various appointees. It is his prerogative, just as it was former Governor Brennan's prerogative to appoint Elizabeth Mitchell to the Maine State Housing Authority, just several weeks before he left office. Thank you.

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

Senator BOST: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to briefly respond to the good Senator from Cumberland, Senator Gill, when she referred to former Senator Trafton, and a phone call she made to that individual.

I think she left out perhaps by mistake an important element here. I, too, called Barbara Trafton, and she did not, in fact, contact the Governor's office regarding her interest in her reappointment. I think that generally, everyone acknowledges that to be the fact. However, what she did say to me and to others who contacted her on the Education Committee, was that she had been assured, repeatedly, by other members of the trustees, former Senator Sewell, Mr. Hagggett, and Ms. Noyes, and one other individual, that they would act on her behalf. I believe the quote was, "They would take care of it", and I believe the other quote was, that her tenure on the Board would quote, unquote, "Speak for itself", and that they would act on her behalf and thus everything would be fine. I presume that she felt she was in good hands, and was as shocked as everyone else was that she had not been, in fact, reappointed.

The reference from the good Senator from Sagadahoc, Senator Cahill, to a line in the Sewell letter to her unequivocal support for the Governor in his re-election bid, was made reference to by Mrs. Trafton in my phone conversation to her. Her comment to me was, have you seen the letter yet, and I said no I haven't. She said there is a line in there I am a little bit embarrassed about because it was in reference to my supposed support for the incumbent Governor, she said, I believe that was intended to be a "tongue and cheek" remark, and I hope no one takes that seriously. I thought I should share that with members of the Senate just to clarify the record. Thank you.

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

Senator CLARK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize to the members of the Senate when I was speaking about this Administration's insensitivity to women, I was focusing my remarks keenly on the Board of Trustees of Maine Maritime Academy. I hope that will clarify that issue, for I too, am pleased that women are emerging in more prominent positions of influence, power, and policy, for they have every right to do so, they are as eminently qualified as our male counterparts.

That aside. Allow me to respond to some of the remarks, and I thank you for your courtesy and your attention. Governor Curtis appointed no women to the Board of Trustees of the Maine Maritime Academy, because at that time no women were allowed entrance as mid-shipmen of the Academy, it was a male only domain, much as our retiring rooms for both the House and the Senate were, as short time ago as 1972 or 1973. It's hard to believe it, isn't it?

It is important that we also refer to former President of the Maine Senate, Joseph Sewell's letter to our Governor, on Trustee Trafton's behalf. As part of her credentials, he said that "Barbara Trafton is part of the more responsible element of her party." That her father-in-law, among her credentials, was the Republican Speaker of the House

of Representatives, and a Republican candidate for Governor of this state. That her family has excellent connections, and her husband is the Mayor of Auburn. But more precisely, she is one of two members of the Maine Maritime Academy Board of Trustees, who coincidentally are women. A major thrust of the new mission of our Academy, located on that lovely peninsula in Castine, Maine, is to encourage, entice, and support women in the marine industries, both within our state and internationally.

And it seems simplistically appropriate, that if that is the emission which has been embraced by that Board, that that Board have more than a token women among it's trustees. The remaining one, being that lovely and generous lady, Elizabeth Noyes. Who, if memory serves, and the record would serve, never contacted our Governor indicating her desire to be reappointed, but rather followed the procedure, historically placed among the Maine Maritime Academy Board of Trustees, of notifying and requesting that her candidacy be promoted for reappointment to the Chairman of the Board, still then Chairman, and now Chairman, Joseph Sewell, which is the procedure followed by the non-appointee for reappointment, Barbara Trafton.

Barbara Trafton does support our Governor with reference to his position on what are called "Women's Issues". More precisely, on our Governor's position, on abortion. So do I, and so does Congressman Joseph Brennan, who reflects the same position. The Honorable David Flannagan, former Chief Legal Counsel, and Chief Administrative Assistant for the former Governor of this state, Joseph Brennan, has indeed been reappointed to the University of Maine Board of Trustees, and I was pleased to add what little I could contribute to that hearing before the Committee that unanimously approved his reappointment. But it is an isolated incident, and it was not without dramatic, verbal, and a verbal exchange, and a shower of letters that that reappointment was made, and the credential in question was his political enrollment.

I acknowledge, as does the Majority in this Senate, and the Minority in this Senate, having served on both sides, I understand the political lay of the land, as do you. And our Chief Executive is Republican, and I expect fully that most of the appointments in this state will be Republican, I understand that. Republicans are eminently qualified, too, but I it's not coincidental that the vast majority of this Administration's appointments, speaking generally, have excluded almost exclusively qualified Democrats. I know of what the good Minority Leader speaks, for there was a time when we as the newly Majority Party said to our then Democratic Governor, would you mind appointing a few Democrats, your Excellency? For as you remember, with the exception I think notably among the State Board of Education, which was quickly remedied, most of his appointments initially were Republicans. Among them, former President of this Chamber, Joseph Sewell, to the Board of Trustees of the Maine Maritime Academy, a particularly intelligent and good appointment.

I think I've said what had to be said, I think that the shadows which surround, unfortunately, the appointment, and do not reflect on the nominee before us, but surround the process involved in this appointment, have been highlighted. I submit, that in fact, dishonesty on behalf of the Governor's Representative before the Committee on Education did occur, either intentionally or unintentionally, and that the Committee on Education, therefore, was not

in a position to question more extensively why the thoroughly, worthy incumbent was not reappointed.

For in fact, my understanding is, when a phone call was made to former Senator Trafton, and the message was, the Governor has made his decision, and you were not his choice, I submit for your consideration, why did that Representative of the Governor call former Senator Trafton if she were, in fact, not in the running? She obviously was, and so there was a breach of honesty which I believe should not be repeated and I feel quite sure will not be repeated in any subsequent nominations and/or reappointments.

Thank you for allowing me to share my concerns with reference to the pending question before us, I now have the pleasure of joining you in voting no on the pending motion to support the appointment of Robert A. Moore, Esquire, to the Board of Trustees of the Maine Maritime Academy.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. I realize this is perhaps and hopefully our last sojourn in this legislative session, and the debate on this particular issue has gone on for an extensive period of time, and let me preface my brief comments with the customary sobriquet that I had not planned to speak this morning.

I must say that I am deeply troubled by the allegations which have surfaced during the course of the debate, and I have decided this morning that I will cast my vote in opposition to the unanimous recommendation of the Committee on Education. I do not do that out of any disrespect for the nominee, in fact, I have high regard for Robert Moore, I think he is an individual of high caliber, intellect, and integrity. He has my respect. But I am troubled by the allegations which have not been in my view rebutted adequately, that there was a lack of candor, frankly, a lack of honesty in the information which was contributed to the general public as to whether or not Trustee Trafton had evinced an intent to remain on the Board of Trustees of the Maine Maritime Academy.

I recognize that as we come to the end of our session partisan tensions and tempers are running a little bit high. I tend to think, and I have said this often to many of my colleagues in this Body, I think we take ourselves too seriously. We certainly take our partisan affiliation too seriously. People of our state do not define themselves as rabid Republicans and rabid Democrats, they define themselves as citizens of the State of Maine. We have our own particular philosophies, and we join political parties because we believe those parties generally advance the causes and interests which we most deeply believe in, and that is appropriate.

But, there has to be a rule of reason. If the State of Maine is to be well-served, we need to have the voluntary contributions of people of intellect, integrity, and quality who will serve for long hours in public service. I think that Trustee Trafton during her distinguished career in public service has demonstrated those qualities. I am at a loss hearing remarks this morning as to why those qualities were not seriously considered in allowing her to remain for a second term on the Board of Trustees. It is my view that if we are to deny such individuals the opportunity and the privilege of serving, really because of partisan affiliation, we all will suffer, we all will be harmed.

So, very much like my colleague, the good Senator from Lincoln, Senator Holloway, acted in civil

disobedience a few days ago when she cast a negative vote on the thoroughly harmless Errors and Omissions Bill, I this morning will likewise exercise my rights of free expression, and in a respectful of civil disobedience, will be voting in the affirmative to override the recommendation of the Committee this morning. Thank you.

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

Senator HOBBS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe that the Senator from Androscoggin, Senator Gauvreau, has outlined for you very articulately, as always, the reasons why I in respect to Barbara Trafton, and in showing no disrespect to a very fine gentlemen, a very fine lawyer, Robert Moore, I will be casting my vote against the Committee recommendation.

I do so not as a matter of being critical of Mr. Moore, but I do so because I am gravely concerned that because of political affiliation in this particular case, a fine public servant who I had the pleasure of serving with in the House of Representatives for three terms has been denied reappointment to a Board.

I had occasion to read the letters of commendation that were addressed to the Governor of the state, by members of that Board, praising the efforts and contributions of Barbara Trafton. She should be honored and privileged to have such high accolades placed in writing to any Chief Executive Officer. But as just as my respected and good members of the Judiciary Committee did on the Errors and Inconsistencies Bill, I, too, as a matter of respectful and civil disobedience, will cast my vote not against Bob Moore, but against the process.

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

Senator GILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. Less we forget why we are here this morning discussing this, we have an appointment before us of Robert A. Moore.

Just to give you a little background, we seem to have talked a little bit about someone who has served as a trustee before, I would like to give you a little bit of background about the person that we are going to vote for this morning, hopefully. Mr. Moore resides in Falmouth, Maine, he has attended Lawrenceville High School in Lawrenceville, New Jersey. He attended Trinity College in Hartford, Connecticut, graduated with a B.A. in English in 1967. He graduated from the University of Maine School of Law, Cumlaude, in 1974. He holds a commercial pilots license. He has worked in community services, he was a volunteer with the Pine Tree Legal Aid Board of Directors in the mid-seventies, he is a member of the Portland Chamber of Commerce, he has been involved in numerous fund-raising Committees, including Pine Tree Legal Aid, Portland YMCA, United Way, March of Dimes. He is a member of the Maine Bar Association and the American Bar Association, and he serves on various Committees within those Associations. He has been recognized for awards in law school. He was Managing Editor of the Maine Law Review, he has been a former Counsel to Governor McKernan, he spent four years in the U.S. Navy, from 1967 to 1971, he was a pilot and a flight instructor, he went to U.S. Officer Candidate School, in Newport, R.I., he is preflight and primary flight training instructor. He comes pretty well qualified, I think. He has a wide, wide, background. It seems to me that all of these will serve him well as he serves as a Trustee of the Maine Maritime Academy. I don't think we have anything to

worry about about this candidate. He has a wide, vast experience and it will come in handy.

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

Senator DUTREMBLE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that when any nomination is made that the Governor and whoever else helps him in making these decisions would select the person who is the best for the position that is being created or the position that is being filled. In this particular case, from everything that I have heard, that person was Barbara Trafton, without a doubt.

I will also be voting against the nomination, not because I am voting against Bob Moore, because I think Bob Moore is one of the brighter, more articulate, and fair persons that we have here in the State House, and when he was here. I have a great deal of respect for Bob Moore.

But my vote will be, in fact, as the good Senator from Androscoggin put it, civil disobedience on the whole process, simply, because if the Governor was approached by people at the Maine Maritime Academy who are on the Board, and who suggested to him that yes, Barbara Trafton did want to come back, and yes, Barbara Trafton did a great job, and yes, Barbara Trafton is the person who should be there, and the Governor in his wisdom, and the people helping him make these decisions picked somebody else, than there is a problem there, there is definitely a problem.

It all boils down to one question, is the Governor doing what's right for Maine Maritime Academy, or is the Governor doing what is right for the Governor? In this case he is not doing what is right for Maine Maritime Academy.

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

Senator ESTES: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise a second time this morning to urge the Governor to do three things:

First, I urge him to clarify the process that prospective nominees or renomees must take to be considered for appointment to any Boards.

Second, that the Governor uphold the integrity of the Committee and Senate Confirmation process.

Third, I strongly urge that the Governor consider very seriously the outstanding record of Barbara Trafton's service to the Maine Maritime Academy Board, when other Board positions come up for appointment. Thank you.

Off Record Remarks

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Robert A. Moore of Falmouth 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 ANDREWS, DUTREMBLE, GAUVREAU, HOBBS, MATTHEWS

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

ABSENT: Senators None

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, with No Senators being absent, and 5 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 Robert A. Moore, 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

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Expand the Protection and Advocacy Agency for Persons with Disabilities and Consolidate Funding" (Emergency)

S.P. 766 L.D. 1991

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-704).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-704) READ and ADOPTED.

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

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency)

S.P. 769 L.D. 1994

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-707).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-707) READ and ADOPTED.

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

Under suspension of the Rules, ordered sent down forthwith 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 PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Clarify the Laws Relating to Audit Reports, Audit Adjustments and Withholding State Subsidy"

S.P. 770 L.D. 1995

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-706).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-706) READ and ADOPTED.

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

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

Senator PEARSON for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase the Bonding Limit for the Maine Court Facilities Authority"

S.P. 973 L.D. 2439

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-705).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-705) READ and ADOPTED.

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

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

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Adequate Salaries for Workers in Residential Treatment Facilities for Emotionally Disturbed Children"

S.P. 126 L.D. 211

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Revise the Eligibility Requirements for Elderly Low-cost Drug Recipients" (Emergency)

S.P. 183 L.D. 340

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Provide Respite Care for Care Givers of Diagnosed Victims of Alzheimer's Disease"

S.P. 248 L.D. 578

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Cost-of-living Increases to Homemaker Services Providers and to Appropriate Additional Funds to Equalize Homemaker Services Funding Statewide"

S.P. 257 L.D. 647

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Expand Medicaid Eligibility to Children, Ages 5 to 8 Years, with Family Incomes Below 100% of Official Poverty Line"

S.P. 387 L.D. 1032

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide A Cost of Living Increase for the Home-based Family Service System"

S.P. 443 L.D. 1196

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving Persons with Mental Retardation"

S.P. 570 L.D. 1598

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Improve the Availability and Effectiveness of Youth and Family Services"

S.P. 578 L.D. 1631

Senator BRANNIGAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Community-based Support for Mental Health and Mental Retardation Clients"

S.P. 584 L.D. 1646

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Develop a Statewide Enhanced 9-1-1 Emergency Telephone System"

H.P. 527 L.D. 712

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

Off Record Remarks

On motion by Senator HOBBS of York, 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:

ENACTORS

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

An Act to Authorize the Department of Marine Resources to Purchase, Lease or Lease-Purchase Facilities at McKown Point in Boothbay Harbor

S.P. 998 L.D. 2465

(C "A" S-701)

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

Under suspension of the Rules, ordered sent forthwith.

Emergency

An Act Relating to the Whitewater Rafting Laws

S.P. 1005 L.D. 2501

(S "C" S-699; S "A"

S-695; H "E"

H-1119; H "D"

H-1118)

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.

Under suspension of the Rules, ordered sent forthwith.

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:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$9,000,000 for Construction of Water Pollution Control Facilities

S.P. 698 L.D. 1836

(C "A" S-703)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the Membership present and voting was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$19,000,000 to Finance the Acquisition of Land for Public Purposes and Construction to Replace Churchill Dam

S.P. 741 L.D. 1945

(C "A" S-702)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in negative, and 30 being more than two-thirds of the Membership present and voting 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

House

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure Proper Oversight of State Spending

H.P. 1793 L.D. 2459

Reported that the same Ought to Pass.

Signed:

Senators:

PEARSON of Penobscot

BRANNIGAN of Cumberland

Representatives:

POULIOT of Lewiston

CHONKO of Topsham

RIDLEY of Shapleigh

CARTER of Winslow

MCGOWAN of Canaan

CARROLL of Gray

LISNIK of Presque Isle

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

HIGGINS of Scarborough

FOSTER of Ellsworth

FOSS of Yarmouth

Comes from the House the Majority OUGHT TO PASS Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Reports were READ.

Senator PERKINS of Hancock moved to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

At the request of Senator PERKINS of Hancock a Division was had. 15 Senators having voted in the

affirmative and 17 Senators having voted in the negative, the motion of Senator PERKINS of Hancock, to ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE, FAILED.

Senator PEARSON of Penobscot moved to ACCEPT the Majority OUGHT TO PASS Report, in concurrence.

At the request of Senator PERKINS of Hancock a Division was had. 18 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator PEARSON of Penobscot to ACCEPT the Majority OUGHT TO PASS Report, in concurrence, PREVAILED.

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

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

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PERKINS for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Resolve, to Establish a Medicaid Plan for Children and Families (Emergency)

S.P. 704 L.D. 1842

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-737).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-737) READ and ADOPTED.

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

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

On motion by Senator TWITCHELL of Oxford, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Senator ERWIN of Oxford was granted unanimous consent to address the Senate on the Record.

Senator ERWIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. In regard to L.D. 2501, An Act Relating to Whitewater Rafting Laws, the statement of fact contains information that may be confusing at some point in the future. In an attempt to clarify this so that will not happen, I would like to read a statement into the Record.

Section 12 of L.D. 2501 Amends the current law regarding when allocations are required on weekends on the Kennebec and Penobscot Rivers. As Amended by this section, allocations will be required on Saturdays on the Kennebec and Penobscot Rivers, from June the 8th to August the 31st. Allocations will be required on Sundays on the Penobscot River from June the 8th to August the 31st. On those other days when those allocations are not required by this section, the Department must provide by rule, for allocations on either river if the Department determines that the number of commercial rafters will reach or exceed the recreation use limit for that river. Thank you Mr. President.

ORDERS OF THE DAY

On motion by Senator TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

An Act to Adjust Commercial Motor Vehicle Fees
H.P. 1379 L.D. 1910
(H "A" H-1036 to
C "A" H-148)

Tabled - April 6, 1990, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-948) AS AMENDED BY HOUSE AMENDMENT "A" (H-1036) thereto, in concurrence.)

Which 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 TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

An Act to Amend the Motor Vehicle Title Laws
S.P. 731 L.D. 1930
(C "A" S-475)

Tabled - February 12, 1990, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In House, February 7, 1990, PASSED TO BE ENACTED)

(In Senate, January 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475).

Which 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 TWITCHELL of Oxford, the Senate removed from the SPECIAL HIGHWAY TABLE the following:

Emergency

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 1776 L.D. 2444
(H "A" H-1103; S"A"
S-694 to C "A"
H-1064)

Tabled - April 12, 1990, by Senator TWITCHELL of Oxford.

Pending - ENACTMENT

(In House, April 12, 1990, PASSED TO BE ENACTED.)

(In Senate, April 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1064) AS AMENDED BY HOUSE AMENDMENT "A" (H-1103) AND SENATE AMENDMENT "A" (S-694) thereto, in concurrence.)

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

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

RECALLED FROM LEGISLATIVE FILES

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Is the Senate in possession of L.D. 2446?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been Recalled from the Legislative Files, pursuant to Joint Order S.P. 1008.

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

H.P. 1779 L.D. 2446
(C "B" H-1063)

(In House, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062).)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1063) in NON-CONCURRENCE.)

(In House, April 5, 1990, that Body ADHERED.)

(In Senate, April 6, 1990, that Body ADHERED.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 1008, in concurrence.)

On motion by Senator KANY of Kennebec, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED whereby it ADHERED.

On further motion by same Senator, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On motion by Senator WEBSTER of Franklin, Senate Amendment "B" (S-738) READ.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I ask the Senate to reject the pending motion and I ask for a Division, and I would like to tell you why.

What we are talking about is the Land Swap Bill, L.D. 2446. Many people in the state believe that the land that the state could gain under this Bill, would be as magnificent a piece of land as the State of Maine could ever hope to own, which is the land with shoreland along Moose Head. There is an exchange being offered for forest lands with Scott Paper, and there are two other elements to this Bill to clear titles. I ask you to reject the Senator from Franklin, Senator Webster's Amendment, and instead, I hope to offer one, one that I spent a couple of days with many other people trying to work out details, two days of negotiating fine points, attempting to address all the problems that were raised by any interested person, including those here in the Maine Senate during debate. I would like to point out that there were several conclusions that were reached that seem to be unanimously supported. One is that the state should be able to have an option on any right of way for access to this wonderful property so described on Moose Head, an option to purchase it if Scott Paper chooses to sell it, and that is unanimously agreed upon.

There was language in the Bill as offered by the Department that was offensive to several members of the Senate, including me, and the good Senator from Franklin, Senator Webster. Much thought and negotiation ensued to come up with language that would not force at this time without a stated public policy previously, of required public access over private lands. Instead, we had objected to these granted rights to the State of Maine to not permit the use by the general public, and are offering language that would make it clear that these granted rights to the State of Maine do not represent a deeded right of access to the general public, but public use of these roadways is governed by the Grantors Policy use of it's roadways by the general public.

That seemed to be acceptable to all parties, to the Department of Conservation, to Scott Paper, who would be willing to sign an agreement with such language in it, but not to go with quite the language that is offered by the good Senator from Franklin, Senator Webster. I urge you to object this Amendment and to go with an Amendment that will be offered shortly thereafter.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. First, let me apologize to the members of the Senate for not explaining my Amendment. I think that there is a misunderstanding here regarding the Senator from Kennebec, Senator Kany's position on this issue and mine.

There was a negotiated agreement, there had been discussion for several days about this issue. As you recall several days ago, when the House and Senate differed on this land swap issue, there were problems. At least some of us felt there were problems between the various approaches to how we were going to enact, or pass, or allow a land swap.

There have been negotiations going on, I have been involved with them to some degree, the good Senator from Penobscot, Senator Pray, has been involved with them to some degree, and the good Senator from Kennebec, Senator Kany. What we have before us today, the Amendment that I offered, is the exact same Amendment, exact same Amendment that the good Senator from Kennebec, Senator Kany, will attempt to offer later, except, for one sentence. What we are debating here right now, is the difference between what she might propose if she does and this fails, and what I propose is one sentence, and I will read it for you, "Public access must be allowed subject to restrictions which may be imposed by the land owner."

What we have is a piece of property that the state is going to gain. We are going to give up other land elsewhere in the state, so the state can gain a piece of land on Moose Head Lake. I think we should have that land, it ought to be preserved, and if we cannot do that today, than we will come back here in January and do it then. My concern is, that the Amendment says that public access shall be allowed subject to restrictions made by the land owner. Right now, today, people of Scott Paper Company are willing and have an open road policy, and are more than willing to allow public access at their whim. That is good, I think that all paper companies of this state as a general rule have allowed the public to use their lands. Nothing is going to say that five years from now, or tomorrow, someone else might not own the neighboring land, and might put up a barrier to stop the public from getting there.

This Amendment says that restrictions can be imposed by the landowner. To be facetious, the people at Scott Paper Company could say our policy is, that you may go to this land on Sundays between two o'clock in the afternoon and four, and you have to walk seventeen miles. They can do that under this Amendment. They can't say that you have no access at all. They cannot say you can only go by the lake. Because this Amendment says, and I think it is a reasonable approach, and I think the attitude that I have heard from people who are not in this Chamber is, you take what we offer you or you get nothing. My position is, this is a reasonable compromise, it ought to be accepted by this Body, because we here have demonstrated in the past, and I believe we will demonstrate today, that we think public access is

important. We are not saying the people from Scott Paper Company, or anybody who owns that land in the future has to build a road from seventeen or nineteen miles from the main road to access this land. What this Amendment says that there has to be some access for the public. You can make whatever restrictions you think are necessary. If you want to say it can only be once a week on Sunday afternoon, you can do that, but you have to be able to allow the public to get to their land.

I have no idea whether this is a good deal for the state, I am convinced that that land up there is irreplaceable, and I would like to have the citizens of the state own it. I am not sure that losing plots of land throughout the State of Maine that are in clumps that are probably not as valuable to the average citizen is bad, and I can understand why Scott Paper Company and paper companies in general would want to have timberland where they could harvest their products. I do feel strongly that when the citizens of the state gain a piece of property, the citizens of this state ought to be able to get to it. I am not requiring anybody through this Amendment to build a road to allow unrestricted use, I am just saying very simply that you have to let people go there, you have to have a policy that says "yes". On certain days under certain situations, we think the public should be able to go across our land to get there.

For years I have served the legislature, and I am probably as strong a supporter of the free enterprise system and private property rights as anybody here. I don't want the State of Maine telling me that anybody can walk willingly across my property, anymore than I want to do that to the paper companies or anybody else. But what we are talking about here, is giving up current public land to trade for another piece of land, and I think it is reasonable to expect, that there ought to be under some situations access to that land.

The only difference between the proposal from the good Senator from Kennebec, Senator Kany, that we have yet to see, and the proposal that we have before us, is that one sentence that says, "That access shall be allowed under restrictions of the landowner", that to me appears to be fair. I don't want to be held under the gun, forced to accept something I don't like, because somebody outside this Body says you take it or you don't get anything. As far as I am concerned, if we can't pass a Bill that does what is appropriate and best for the citizens that I represent, the people of this state, than we will let it go down, not pass anything, and come back here in January and let the people sit down and talk about this issue over the next six months and come up with a better Bill, that is better written, and will better serve the people in this state. Thank you.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Basically, I agree with the thrust of the remarks by the good Senator from Franklin, Senator Webster. I do agree with him that we should have a policy for the State of Maine of requiring public access.

I agree, and I agreed to the point where I was the one in a twelve to one Report from the Committee on Energy and Natural Resources on just this issue. But, in that particular Report, I did not choose to kill the opportunity for this wonderful land swap, instead, offered a Bill that would include something similar to what the Senator from Franklin is offering today. But, the time has come to choose whether we will have an agreement or we will not.

Negotiations have occurred which have improved, really, what was offered the other day by the Majority Report, by including such things as the right of an option to purchase that land.

I am sympathetic with those that disagreed with me at the time on the public access issue, in that many of whom also believe we should have a public access policy. They did not believe that this was the place to institute that policy. In other words, if we want a public access policy, we should have it in our statutes, and that should be the direction giving to our Executive Branch as they negotiate for future land for the State of Maine. We have not done that. So I must apologize to the Executive Branch for going forward and intruding upon negotiations that already occurred.

Second, I do believe that the new language is very helpful because it acknowledges the policy of Scott Paper currently to allow public access on their lands and giving us that opportunity to purchase the land if it were ever to be sold. I hope you do go along with me if you want to assure us of having an agreement for this land trade, because I can tell you that it is my understanding, that if the Senate goes along with the Amendment that I will be offering, we will have an agreement because the Executive Branch supports what I am suggesting to you, Scott Paper supports what I am suggesting to you, and some other unmentionable something also may support what I am offering to you. If you would like to see this trade occur, I suggest you vote with me in opposition to the gentlemen's Amendment.

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

Senator DILLENBACK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wasn't too opposed to the original Bill. But certainly this Amendment does a great deal more than the original one ever thought of doing.

We now have the rights, as I read it, to travel over the property of Scott Paper, as they allow you to travel over other roads that they own. But the most important thing is, that if Scott Paper wishes to sell this property, as I read the Amendment, it indicates that they have to give a ninety day notice to the state, so that the state is then in a position to perhaps buy the property or to trade for the property.

I think you have a good deal here. This is a beautiful piece of land. I am under the opinion that most people go by boat anyhow, but the fact is they now have access over reasonable rules and regulations that may be imposed, and if they sell the property, we have an opportunity to step in and buy the rights to that access. I suggest that you vote for this Amendment.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. The issue here is one in which allowing the public access for public lands that are being purchased by the State of Maine.

Realizing that the presiding officer is very supportive of this particular effort in this particular area, and in the interest that this Body has in guaranteeing that a public access is provided, the concern that I have in voting against this deal earlier was the public access. While I think the good Senator from Franklin, Senator Webster's Amendment, goes away from guaranteeing public access, it is offering a little bit more latitude in the idea of trying to strike a deal with the parties involved, and I will be supporting the Amendment that has been

offered by the good Senator from Franklin, Senator Webster.

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

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Unfortunately, there is some confusion here, and just to set the record straight, Senator Dillenback spoke of a provision which is included in what I will be offering.

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

Senator ERWIN: Thank you Mr. President. Ladies and Gentlemen of the Senate. It seems as if we're all in agreement that this land swap is something that should be done, it is certainly something that will preserve part of this great and beautiful state for our children and our children's children.

The question is public access. Each and every member of the Committee wanted that, we couldn't work out to get it and still have the land swap go through. Efforts have gone on here for about a week in an attempt to get it. What does the statement mean that is in the Amendment offered by the distinguished Senator from Franklin County, "public access must be allowed subject to restrictions which may be opposed by the land owner?" Does this mean that if the land owner doesn't require a road to log a certain section, that he is through logging that section, that he is going to have to maintain it? This is a very lengthy road into this area, very lengthy road. Would we be requiring the land owner to maintain the roads so the public could use it even though it wasn't of any use to him at that particular time?

There is a number of issues that is involved in this. I hope that you don't let one sentence kill this land swap. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. To respond to the good Senator from Oxford, Senator Erwin's question, my intent is not to require anybody to maintain any road anywhere. If you read the Amendment, it simply says the public shall have access under whatever restrictions that the paper companies or whoever owns the land make.

As far as I am concerned, a week ago when we debated this issue and disagreed with the other Body as to how we ought to implement this land swap, we were told at that point the same kind of things we are being told now. We were told if we didn't accept this proposal as they had given it to us, that there would be no deal. We were told that the parties involved, the Paper Industry, the Planning Office, the Bureau of Public Lands, whoever was involved with planning this deal, we were told that this is what you had to offer. That was it guys. Take it or you get nothing.

Well, since that time, there has been quite a lot of movement. I would say a substantial amount of movement when you look at this Amendment, because they have agreed to give us first refusal, they have agreed to strike the language that was so offensive to all of us that said no public access, period. I am not convinced, and maybe I am wrong, and if I am wrong, and maybe this Bill will die, and maybe we won't swap lands until next fall, but I am convinced that we ought to at least try to as an alternative to the existing Bill.

One of the problems that we get, especially here at the end of the Session, is we get wrapped up in this whole political process of how a Bill is so important, that it has to happen or it won't happen.

If it doesn't happen, something bad will be the result. It seems to me that if the Legislature, whether it is the House, the Senate, or the Governor's Office, if we are not pleased with the compromise that was reached by the parties outside of this Body, we have a right to reject it. I am not convinced at this point that this might not pass just the way it is written with this Amendment, and if it isn't and it comes back here from somewhere else, and they don't like what we have done, and that point we have to make a decision. At that point, if they are not willing to listen to our arguments and our concerns, since we are truly a distinct and different branch of this legislature, than we should send it back to the drawing board and start over again, and in January, one of us here, somebody will be back, and can introduce another Bill that is more palatable to those of us who have objections on this issue. Thank you.

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 reject the Amendment offered by my friend, the good Senator from Franklin, Senator Webster. Over the past few days all the affected parties have met and painfully arrived at an agreement, and I do not believe that this Amendment will add anything to the clarity of what has already been agreed upon. I hope you will vote against the Amendment. Thank you.

Senator KANY of Kennebec requested and received Leave of the Senate to speak a fourth time.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to make it clear to those in the Senate that what this vote means. A vote in favor of the pending motion will be in favor of an Amendment that could cause the loss of an agreement for the land trade this year. Perhaps it would be available in the future, but perhaps not. A vote against the pending motion and for a separate proposal would mean that we definitely could have an agreement.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator WEBSTER of Franklin to ADOPT Senate Amendment "B" (S-738).

A vote of Yes will be in favor of the ADOPTION of Senate Amendment "B" (S-738).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRAWN, BUSTIN, CAHILL, DILLENBACK, DUTREMBLE, GAUVREAU, GOULD, HOLLOWAY, MATTHEWS, RANDALL, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, THE PRESIDENT - CHARLES P. PRAY

NAYS: Senators BRANNIGAN, CARPENTER, CLARK, COLLINS, EMERSON, ERWIN, ESTES, ESTY, GILL, HOBBS, KANY, LUDWIG, PEARSON, PERKINS, TITCOMB, WHITMORE

ABSENT: Senator ANDREWS

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator WEBSTER of Franklin, to ADOPT Senate Amendment "B" (S-738), PREVAILED.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED from ADOPTION of Committee Amendment "B" (H-1063).

On further motion by same Senator, Committee Amendment "B" (H-1063) INDEFINITELY POSTPONED. Committee Amendment "A" (H-1062) READ. On motion by Senator WEBSTER of Franklin, Committee Amendment "A" (H-1062) INDEFINITELY POSTPONED in NON-CONCURRENCE. Which was PASSED TO BE ENGROSSED, as Amended, in NON-CONCURRENCE.
(See Action Later Today)

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator PEARSON of Penobscot, the Senate removed from the SPECIAL APPROPRIATIONS TABLE the following:
An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded

H.P. 250 L.D. 362
(S "A" S-554 to C
"A" H-813)

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

Pending - ENACTMENT
(In House, March 12, 1990, PASSED TO BE ENACTED.)
(In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813) AS AMENDED BY SENATE AMENDMENT "A" (S-554) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-813) as Amended by Senate Amendment "A" (S-554), thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "A" (S-554) to Committee Amendment "A" (H-813).

On further motion by same Senator, Senate Amendment "A" (S-554) to Committee Amendment "A" (H-813) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-709) to Committee Amendment "A" (H-813) READ and ADOPTED.

Committee Amendment "A" (H-813) as Amended by Senate Amendment "B" (S-709) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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

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

Tabled - March 26, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 23, 1990, PASSED TO BE ENACTED.)
(In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-908) AS AMENDED BY HOUSE AMENDMENT "A" (H-939) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "B" (H-908) as Amended by House Amendment "A" (H-939), thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-939) to Committee Amendment "B" (H-908).

On further motion by same Senator, House Amendment "A" (H-939) to Committee Amendment "B" (H-908) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-710) to Committee Amendment "B" (H-908) READ and ADOPTED.

Committee Amendment "B" (H-908) as Amended by Senate Amendment "A" (S-710) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Amend County Jail Transfers and the Community Corrections Laws'

S.P. 277 L.D. 723
(S "A" S-537 to C "B"
S-519)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 9, 1990, PASSED TO BE ENACTED.)
(In Senate, March 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-519) AS AMENDED BY SENATE AMENDMENT "A" (S-537) thereto.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "B" (S-519) as Amended by Senate Amendment "A" (S-537) thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "A" (S-537) to Committee Amendment "B" (S-519).

On further motion by same Senator, Senate Amendment "A" (S-537) to Committee Amendment "B" (S-519) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-711) to Committee Amendment "B" (S-519) READ and ADOPTED.

Committee Amendment "B" (S-519) as Amended by Senate Amendment "B" (S-711) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid
 H.P. 1398 L.D. 1934
 (H "A" H-861 to C "A" H-831)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 9, 1990, PASSED TO BE ENACTED.)

(In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-831) AS AMENDED BY HOUSE AMENDMENT "A" (H-861) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-831) as Amended by House Amendment "A" (H-861), thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-861) to Committee Amendment "A" (H-831).

On further motion by same Senator, House Amendment "A" (H-861) to Committee Amendment "A" (H-831) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-712) to Committee Amendment "A" (H-831) READ and ADOPTED.

Committee Amendment "A" (H-831) as Amended by Senate Amendment "A" (S-712) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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

H.P. 1602 L.D. 2214
 (S "A" S-665; H "A" H-1040 to C "A" H-950)

Tabled - April 7, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 7, 1990, PASSED TO BE ENACTED.)

(In Senate, April 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950) AS AMENDED BY SENATE AMENDMENT "A" (S-665) AND HOUSE AMENDMENT "A" H-1040 thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-950) as Amended by Senate Amendment "A" (S-665) and House Amendment "A" (H-1040) thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "A" (S-665) to Committee Amendment "A" (H-950).

On further motion by same Senator, Senate Amendment "A" (S-665) to Committee Amendment "A" (H-950) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-716) to Committee Amendment "A" (H-950) READ and ADOPTED.

Committee Amendment "A" (H-950) as Amended by Senate Amendment "B" (S-716) and House Amendment "A" (H-1040) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Establish the Office of Substance Abuse
 S.P. 909 L.D. 2312
 (H "B" H-1102 to C "A" S-639)

Tabled - April 10, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 10, 1990, PASSED TO BE ENACTED.)

(In Senate, April 10, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT (S-639) AS AMENDED BY HOUSE AMENDMENT "B" (H-1102) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-639) as Amended by House Amendment "B" (H-1102) thereto.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "B" (H-1102) to Committee Amendment "A" (S-639).

On further motion by same Senator, House Amendment "B" (H-1102) to Committee Amendment "A" (S-639) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "B" (S-713) to Committee Amendment "A" (S-639) READ and ADOPTED.

Committee Amendment "A" (S-639) as Amended by Senate Amendment "B" (S-713) thereto, ADOPTED in NON-CONCURRENCE.

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

Senator BUSTIN: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I need to ask for a Division on this Bill because I cannot vote for

it and I find myself in the position of voting against my own Bill. Now you would say that, no, Beverly, this isn't your Bill. This happens to be a Bill from State and Local Government and you're correct.

However, it is the Bill on the Office of Substance Abuse. It is the Bill that has the dedication, undedication issue in it that I lost the last time this was up. It is the Bill that after that vote, I found out that it has a constitutional problem. I tried to get that amended so that it became constitutional and was unable to, not for lack of wanting to, but for lack of time because it is a very complicated issue. I want you to listen to it, and I need to put it on the record because I do not want it known that I do not support and do not want an Office of Substance Abuse in the state of Maine. In fact, we sorely need that. The problem is that this Bill does not do that in the manner that it should and it should be looked at more thoroughly. I'm not out to kill the Bill, I want you to know that. But I also cannot be in the position of voting for a Bill that is unconstitutional. It is unconstitutional and it is in the present law.

What happened was they took the old ODAP, Office of Drug Abuse and Prevention Law, and lifted most of it and put it in this Bill. The problem is, that under MRSA 22, sub-section 7118, on notes of the decision just before section 7119, and I'll quote, as it is the decision of our own Supreme Court, "as to person impaired by use of alcohol, compelling urgency mandated by due process to justify governmental infringement of personal liberty can exist only if such person has committed specific overt acts of type having objective tendency to mark him an immediate, substantial, and continuing menace to public safety, Bill (and they quote 1975 SP 422, LD 1389) which would authorize law enforcement officials to assert and maintain custodial control of a person without his consent potentially for as long as 12 hours in police facility, or 48 hours in an approved public treatment facility, if such person appeared to be incapacitated by alcohol or as a result of use of alcohol is disorderly or as a result of use of alcohol is likely to cause or incur physical harm to himself or another or another violated constitutional due process by casting a net of overbreadth."

Well, that's some technical legal language that I don't really understand, but what it amounts to is that what happens when the State and Local Government Committee crafted this Bill, they took out the sub-section 7120 on involuntary commitment. Under involuntary commitment, that is due process and that was okay. Involuntary commitment, you may have some problems with, individually or as a public policy, but it hasn't been addressed by this Legislature. What it is is, the involuntary commitment law, is one where you're at harm to yourself or others. You have a due process that you go through.

However, in another section of the law that was left in, under this Bill, you have an emergency commitment which is what the Supreme Court decision is talking about. That's when "an intoxicated person or one incapacitated by alcohol may be committed to an approved public treatment facility for emergency treatment. A refusal to undergo treatment does not in itself constitute evidence of lack of judgment as to need of treatment." What they have, under sub-section 3, is "the person shall be brought to the facility by a peace officer, health officer, emergency service patrol, the applicant for commitment, the patient's spouse, the patient's guardian, or any other interested person. The person shall be retained at the facility to which he was

admitted or transferred to another appropriate public or private treatment facility until discharge under sub-section 5."

They can hold that person against their will for 5 days in a treatment facility. That has been declared unconstitutional. It should be stripped from a Bill and we should not allow that to go forward. I ask for a Division so that I can show that I cannot support an unconstitutional law going before this Body.

Senator BUSTIN of Kennebec requested a Division.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I'll be very brief, Mr. President. Legal staff has reviewed this and suggests that since the law has never been applied since the time it was implemented, many of what has been said is already in the statutes. An Assistant Attorney General has said that he agrees the issue should be left alone at this time, and maybe in January, at some point in time, someone can review this and I would certainly be willing to, at that time, do so.

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

Senator MATTHEWS: Thank you, Mr. President. Ladies and Gentlemen of the Senate. I hope that you will not support my colleague to my left, from Kennebec, Senator Bustin, and support my colleague to the right, from Androscoggin, Senator Berube, on this Bill. A lot of hard work has gone into this legislation and as someone who has supported the dedicated alcohol premium fund historically, has fought that battle, alongside with my good friend, the Senator from Kennebec, Senator Bustin.

Now has come the time, however, to really begin to move on, to begin to expand treatment services for those that need those services in the state that suffer from substance abuse and the related kinds of problems in our society, our national and our state priority. That will never happen if we keep the current system in place. We need a new single state agency that will coordinate the efforts, expand treatment services and we also need to finally get some accountability with how those monies are being spent. I think that's appropriate. The good Senator from Kennebec, Senator Bustin, raises a question that is a good one and I take it at its face value. I would share with the members of this Body, the information that was the result of a long, tough study of involuntary commitment back in 1988. Here's the statement from that Commission. It is two paragraphs so please bear with me.

"A key element in the implementation of the involuntary treatment law was the availability of approved public treatment facilities, called APTFs. One basic assumption of the model legislation was that the State Alcohol Authority would establish and operate these APTFs and administrators of these public treatment facilities were given the extensive discretionary power to detain involuntarily and to treat incapacitated alcoholics. In order to develop, quickly, a treatment system that was flexible and responsive to local needs, however, the Department of Human Services decided to create a system based on purchased community services, rather than on state public facilities. No approved public treatment facilities have been established in Maine, as a result of which, extremely few commitments for alcohol abuse can be affected."

Further, with respect to the issue that has been raised by my good colleague from Kennebec, Senator Bustin, "emergency commitments, (under Title 22,

MRSA, section 7119), are entirely precluded by the current circumstances. The non-existent APTF, approved public treatment facilities, are the sole statutory designated recipients of emergency commitments, and the authority to approve emergency commitments is delegated exclusively to those administrators. Non-emergency commitments under Title 22, while possible to obtain, are also hampered by unrealized assumptions implicit in this statute. These commitments are initiated by petitioning the District Court and the law limits persons withstanding to petition to the spouse, guardian or relative of the incapacitated alcoholic, or to the administrator of approved public treatment facility."

Apart from the nonavailability of the latter group of potential petitioners, the law ignores the fact that very few chronic late stage alcoholics have family members available who are willing to invest time. There will be no, and there have been, to my knowledge, no emergency commitments. There are no approved public treatment facilities in the State of Maine. With all due respect to the issue, there is no problem in reality and this issue, as mentioned by my good colleague from Androscoggin, will be addressed in January to clear up the law. I have also talked with the Attorney General's office and they assure me that there is no problem, there is no issue. So I would, with all respect, ask this Body to support this good legislation.

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

Senator BUSTIN: Thank you, Mr. President. Ladies and Gentlemen of the Senate. While there may be no public facility for the treatment of alcoholism, the only two public facilities you have in this state are AMHI and BMHI. We try very hard to keep them out of there. In fact, we've won some of those, but, that, in fact, is where a lot of them have gone in the past.

I will quote from the legislation again, that is currently before you. They lifted the law and put it in there. This is under the emergency commitment section, "The person shall be retained at the facility to which he was admitted or transferred to another appropriate public or private treatment facility until discharged under sub-section 5." That means that any private provider out there can get this person, must take them, and must treat them.

At the request of Senator BUSTIN of Kennebec, a Division was had. 24 Senators having voted in the affirmative and 2 Senators having voted in the negative, the Bill was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

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

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

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)

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

Pending - ENACTMENT
(In House, March 29, 1990, PASSED TO BE ENACTED.)
(In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-974), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-974).

On further motion by same Senator, Senate Amendment "A" (S-714) to Committee Amendment "A" (H-974) READ and ADOPTED.

Committee Amendment "A" (H-974) as Amended by Senate Amendment "A" (S-714) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Emergency Resolve
Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties

H.P. 1752 L.D. 2415
(H "A" H-1034 to C "A"
H-956; H "A" H-970)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE
(In House, April 6, 1990, FINALLY PASSED.)
(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-956) AS AMENDED BY HOUSE AMENDMENT "A" (H-1034) thereto, AND HOUSE AMENDMENT "A" (H-970) in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-956) as Amended by House Amendment "A" (H-1034) thereto.

On further motion by same Senator, Senate Amendment "A" (S-715) to Committee Amendment "A" (H-956) READ and ADOPTED.

Committee Amendment "A" (H-956) as Amended by Senate Amendment "A" (S-715) and House Amendment "A" (H-1034) thereto, ADOPTED in NON-CONCURRENCE.

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED House Amendment "A" (H-970).

On further motion by same Senator, House Amendment "A" (H-970) INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

Emergency Resolve
Resolve, to Study the Use of Herbicides

S.P. 700 L.D. 1838
(C "A" S-480)

Tabled - February 14, 1990, by Senator BRANNIGAN of Cumberland.

Pending - FINAL PASSAGE

(In House, February 12, 1990, FINALLY PASSED.)

(In Senate, February 1, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-480).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-480).

On further motion by same Senator, Senate Amendment "A" (S-717) to Committee Amendment "A" (S-480) READ and ADOPTED.

Committee Amendment "A" (S-480) as Amended by Senate Amendment "A" (S-717) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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

H.P. 1336 L.D. 1853
(H "A" H-1037 to C "A" H-986)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-986) AS AMENDED BY HOUSE AMENDMENT "A" (H-1037) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-986) as Amended by House Amendment "A" (H-1037) thereto.

On further motion by same Senator, Senate Amendment "A" (S-718) to Committee Amendment "A" (H-986) READ and ADOPTED.

Committee Amendment "A" (H-986) as Amended by Senate Amendment "A" (S-718) and House Amendment "A" (H-1037) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Amend the Laws Relating to the Purchase of Military Service Credits by Members of the Maine State Retirement System

H.P. 1346 L.D. 1863
(C "A" H-796)

Tabled - March 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 2, 1990, PASSED TO BE ENACTED.)

(In Senate, February 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-796), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-796).

On further motion by same Senator, Senate Amendment "A" (S-719) to Committee Amendment "A" (H-796) READ and ADOPTED.

Committee Amendment "A" (H-796) as Amended by Senate Amendment "A" (S-719) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Permit Changes in the Charter of the City of Ellsworth School District

S.P. 720 L.D. 1895
(C "A" S-531)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 9, 1990, PASSED TO BE ENACTED.)

(In Senate, March 1, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-531).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-531).

On further motion by same Senator, Senate Amendment "A" (S-720) to Committee Amendment "A" (S-531) READ and ADOPTED.

Committee Amendment "A" (S-531) as Amended by Senate Amendment "A" (S-720) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Amend the Counseling Licensing Laws
S.P. 730 L.D. 1929

(C "A" S-640)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-640).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-640).

On further motion by same Senator, Senate Amendment "B" (S-721) to Committee Amendment "A" (S-640) READ and ADOPTED.

Committee Amendment "A" (S-640) as Amended by Senate Amendment "B" (S-721) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Establish Coastal Watershed Districts
H.P. 1438 L.D. 2008
(C "A" H-751)

Tabled - February 23, 1990, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT

(In House, February 20, 1990, PASSED TO BE ENACTED.)

(In Senate, February 14, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-751), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-751).

On further motion by same Senator, Senate Amendment "A" (S-722) to Committee Amendment "A" (H-751) READ and ADOPTED.

Committee Amendment "A" (H-751) as Amended by Senate Amendment "A" (S-722) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act Relating to Services to Infants and Young Children, Ages 0 through 5, Who Are Handicapped or at Risk for Developmental Delay

S.P. 805 L.D. 2068
(H "A" H-1032 to C "A" S-592)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-592) AS AMENDED BY HOUSE AMENDMENT "A" (H-1032) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-592) as Amended by House Amendment "A" (H-1032) thereto.

On further motion by same Senator, Senate Amendment "B" (S-723) to Committee Amendment "A" (S-592) READ and ADOPTED.

Committee Amendment "A" (S-592) as Amended by Senate Amendment "B" (S-723) and House Amendment "A" (H-1032) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Emergency
An Act to Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project
H.P. 1509 L.D. 2089
(C "A" H-823)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 9, 1990, PASSED TO BE ENACTED.)

(In Senate, March 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-823), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-823).

On further motion by same Senator, Senate Amendment "A" (S-724) to Committee Amendment "A" (H-823) READ and ADOPTED.

Committee Amendment "A" (H-823) as Amended by Senate Amendment "A" (S-724) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Amend and Improve the Education Laws of Maine

S.P. 830 L.D. 2138

(C "A" S-534)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 9, 1990, PASSED TO BE ENACTED.)
(In Senate, March 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534).)
On further motion by same Senator, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-534).

On further motion by same Senator, Senate Amendment "A" (S-725) to Committee Amendment "A" (S-534) READ and ADOPTED.

Committee Amendment "A" (S-534) as Amended by Senate Amendment "A" (S-725) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Amend the Percent for Art Act
S.P. 834 L.D. 2142
(S "A" S-528; C "A" S-521)

Tabled - March 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 5, 1990, PASSED TO BE ENACTED.)
(In Senate, February 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-528) AND COMMITTEE AMENDMENT "A" (S-521).)

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

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-528) AND COMMITTEE AMENDMENT "A" (S-521).

On further motion by same Senator, Senate Amendment "B" (S-726) READ and ADOPTED.

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

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

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

Emergency
Resolve, to Study Threats to Maine Lakes
S.P. 841 L.D. 2160
(C "A" S-503)

Tabled - March 2, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE
(In House, March 1, 1990, FINALLY PASSED.)
(In Senate, February 16, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-503).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-503).

On further motion by same Senator, Senate Amendment "A" (S-727) to Committee Amendment "A" (S-503) READ and ADOPTED.

Committee Amendment "A" (S-503) as Amended by Senate Amendment "A" (S-727) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Create the Maine Coast Environmental Trust Fund

H.P. 1589 L.D. 2201
(C "A" H-811)

Tabled - March 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 5, 1990, PASSED TO BE ENACTED.)
(In Senate, March 1, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-811), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-811).

On further motion by same Senator, Senate Amendment "A" (S-728) to Committee Amendment "A" (H-811) READ and ADOPTED.

Committee Amendment "A" (H-811) as Amended by Senate Amendment "A" (S-728) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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)

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

Pending - FINAL PASSAGE
(In House, March 29, 1990, FINALLY PASSED.)
(In Senate, March 27, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-928) AS AMENDED BY HOUSE AMENDMENT "A" (H-998) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-928) as Amended by House Amendment "A" (H-998) thereto.

On further motion by same Senator, Senate Amendment "A" (S-729) to Committee Amendment "A" (H-928) READ and ADOPTED.

Committee Amendment "A" (H-928) as Amended by Senate Amendment "A" (S-729) and House Amendment "A" (H-998) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Create Community Restitution Centers
H.P. 1640 L.D. 2273
(C "A" H-1002)

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

Pending - ENACTMENT

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

(In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1002), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-1002).

On further motion by same Senator, Senate Amendment "A" (S-730) to Committee Amendment "A" (H-1002) READ and ADOPTED.

Committee Amendment "A" (H-1002) as Amended by Senate Amendment "A" (S-730) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Provide Greater Opportunities for Orphans and Foster Children

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

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

Pending - ENACTMENT

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

(In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1010), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-1010).

On further motion by same Senator, Senate Amendment "A" (S-731) to Committee Amendment "A" (H-1010) READ and ADOPTED.

Committee Amendment "A" (H-1010) as Amended by Senate Amendment "A" (S-731) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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

Pending - ENACTMENT

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

(In Senate, March 28, 1990, PASSED TO BE

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1003) AS AMENDED BY HOUSE AMENDMENT "A" (H-1011) thereto, in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-1003) as Amended by House Amendment "A" (H-1011) thereto.

On further motion by same Senator, Senate Amendment "A" (S-732) to Committee Amendment "A" (H-1003) READ and ADOPTED.

Committee Amendment "A" (H-1003) as Amended by Senate Amendment "A" (S-732) and House Amendment "A" (H-1011) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Emergency

An Act Concerning the Carrying of Firearms and Firearms Safety Programs

H.P. 1737 L.D. 2398
(C "A" H-1030)

Tabled - April 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 5, 1990, PASSED TO BE ENACTED.)

(In Senate, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1030), in concurrence.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-1030).

On further motion by same Senator, Senate Amendment "A" (S-733) to Committee Amendment "A" (H-1030) READ and ADOPTED.

Committee Amendment "A" (H-1030) as Amended by Senate Amendment "A" (S-733) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

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
(C "A" S-627)

Tabled - April 5, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, April 5, 1990, FINALLY PASSED.)

(In Senate, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-627).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (S-627).

On further motion by same Senator, Senate Amendment "A" (S-734) to Committee Amendment "A" (S-627) READ and ADOPTED.

Committee Amendment "A" (S-627) as Amended by Senate Amendment "A" (S-734) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act Relating to Correctional Policy
H.P. 1814 L.D. 2486
(S "B" S-673)

Tabled - April 10, 1990, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, April 9, 1990, PASSED TO BE ENACTED.)

(In Senate, April 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-673).)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Senate Amendment "B" (S-673).

On further motion by same Senator, Senate Amendment "A" (S-735) to Senate Amendment "B" (S-673) READ and ADOPTED.

Senate Amendment "B" (S-673) as Amended by Senate Amendment "A" (S-735) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Emergency Resolve
Resolve, Creating a Blue Ribbon Commission to Study the Most Effective Way to Provide Services to Children and Families

H.P. 38 L.D. 38
(C "A" H-739)

Tabled - February 12, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, February 7, 1990, FINALLY PASSED.)

(In Senate, February 1, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-739), in concurrence.)

On further motion by same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

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

Tabled - March 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 27, 1990, PASSED TO BE ENACTED.)

(In Senate, March 19, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-587).)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act Concerning Out-of-state Service for Members of the Maine State Retirement System

S.P. 268 L.D. 696
(C "A" S-494)

Tabled - February 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, February 26, 1990, PASSED TO BE ENACTED.)

(In Senate, February 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-494).)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1987

H.P. 691 L.D. 943
(C "B" H-733)

Tabled - February 2, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, February 1, 1990, PASSED TO BE ENACTED.)

(In Senate, January 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-733), in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers

H.P. 744 L.D. 1027
(C "B" H-829)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 9, 1990, PASSED TO BE ENACTED.)
(In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-829) AS AMENDED BY HOUSE "A" H-959 thereto, in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act Concerning Educational Enhancement
H.P. 762 L.D. 1066
(H "A" H-959 to C "B" H-896)

Tabled - March 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 27, 1990, PASSED TO BE ENACTED.)
(In Senate, March 22, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B"

(H-896) AS AMENDED BY HOUSE AMENDMENT "A" (H-959) thereto, in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Provide Adjustments in the Educational Funding Formula

H.P. 836 L.D. 1168
(C "B" H-1053)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, April 6, 1990, PASSED TO BE ENACTED.)
(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1053), in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Assure Access to Nutrition Programs for Kindergarten and Part-day Students

H.P. 882 L.D. 1226
(H "B" H-781 to C "A" H-736)

Tabled - February 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, February 26, 1990, PASSED TO BE ENACTED.)

(In Senate, February 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (H-736) AS AMENDED BY HOUSE AMENDMENT "B" (H-781) thereto, in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Revise the Medical Examiner Act
H.P. 905 L.D. 1262
(H "A" H-885 to C "B" H-788)

Tabled - March 15, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 14, 1990, PASSED TO BE ENACTED.)
(In Senate, March 9, 1990, PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "A" (H-885) thereto, in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

Emergency

An Act to Create the Maine Family Development Foundation

H.P. 1226 L.D. 1698
(C "B" H-787)

Tabled - March 2, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 1, 1990, PASSED TO BE ENACTED.)

(In Senate, February 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-787), in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Encourage Air Transportation to Designated Locations in Maine

S.P. 665 L.D. 1778
(C "A" S-467)

Tabled - January 19, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, January 16, 1990, PASSED TO BE ENACTED.)

(In Senate, January 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-467).)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act Regarding Continuing Education for Administrators of Boarding Homes

H.P. 1374 L.D. 1905
(C "A" H-784)

Tabled - March 2, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 1, 1990, PASSED TO BE ENACTED.)

(In Senate, February 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-784), in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act Requiring the State to Pay a Portion of the Health Insurance Premium for Dependents of Retired State Employees

H.P. 1411 L.D. 1963

(C "A" H-804)

Tabled - March 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 5, 1990, PASSED TO BE ENACTED.)

(In Senate, March 1, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-804), in concurrence.)

On further motion by same Senator Bill, and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

Emergency Resolve

Resolve, to Require a Comprehensive Study to Equalize Maine State Retired Teachers Health Insurance Premium Payments

H.P. 1417 L.D. 1969
(C "A" H-839)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, March 9, 1990, FINALLY PASSED.)

(In Senate, March 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-839), in concurrence.)

On further motion by same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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)

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 "A" (H-980), in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

An Act to Require the State to Pay a Portion of Retired State Employees' Medicare Costs

S.P. 759 L.D. 1984
(C "A" S-516)

Tabled - March 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 5, 1990, PASSED TO BE ENACTED.)

(In Senate, February 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-516).)

On further motion by same Senator Bill, and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

An Act to Purchase the Development Rights to
Farmland

H.P. 1545 L.D. 2130
(C "A" H-911)

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

Pending - ENACTMENT

(In House, March 22, 1990, PASSED TO BE ENACTED.)

(In Senate, March 16, 1990, PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-911), in concurrence.)

On further motion by same Senator, Bill and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

An Act to Increase the Capacity of the State to
Provide Mental Health Services

S.P. 861 L.D. 2210
(C "A" S-557)

Tabled - March 19, 1990, by Senator PEARSON of
Penobscot.

Pending - ENACTMENT

(In House, March 16, 1990, PASSED TO BE ENACTED.)

(In Senate, March 8, 1990, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-557).)

On further motion by same Senator, Bill and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

Resolve, Authorizing the Director of the Bureau
of Public Improvements to Sell the Maine Criminal
Justice Academy Campus in Waterville, Maine

S.P. 872 L.D. 2234
(C "A" S-548)

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

Pending - FINAL PASSAGE

(In House, March 12, 1990, FINALLY PASSED.)

(In Senate, March 6, 1990, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-548).)

On further motion by same Senator, Resolve and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

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

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

Tabled - March 27, 1990, by Senator PEARSON of
Penobscot.

Pending - FINAL PASSAGE

(In House, March 27, 1990, FINALLY PASSED.)

(In Senate, March 22, 1990, PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-937), in concurrence.)

On further motion by same Senator, Resolve and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

An Act to Help Reduce the Incidence of Breast
Cancer Mortality in the State and to Revise the Laws
Relating to the Mandated Benefits Advisory Commission

S.P. 903 L.D. 2297
(C "A" S-645)

Tabled - April 6, 1990, by Senator PEARSON of
Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-645).)

On further motion by same Senator Bill, and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

Resolve, Directing the Department of Human
Services to Develop a Poison Warning System

S.P. 915 L.D. 2321
(C "A" S-572)

Tabled - March 20, 1990, by Senator PEARSON of
Penobscot.

Pending - FINAL PASSAGE

(In House, March 19, 1990, FINALLY PASSED.)

(In Senate, March 12, 1990, PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(S-572).)

On further motion by same Senator, Resolve and
Accompanying Papers INDEFINITELY POSTPONED in
NON-CONCURRENCE.

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

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

An Act to Implement the Recommendations of the
Court Jurisdiction Study

H.P. 1682 L.D. 2328
(C "A" H-1077)

Tabled - April 6, 1990, by Senator PEARSON of
Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1077), in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

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

Tabled - March 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 27, 1990, PASSED TO BE ENACTED.)

(In Senate, March 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-938), in concurrence.)

On further motion by same Senator, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

S.P. 964 L.D. 2431

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

Pending - FINAL PASSAGE

(In House, March 29, 1990, FINALLY PASSED.)

(In Senate, March 27, 1990, PASSED TO BE ENGROSSED.)

On further motion by same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

Emergency Resolve

Resolve, to Establish a Select Committee on Comprehensive Tax Reform

S.P. 999 L.D. 2466
(C "A" S-667)

Tabled - April 7, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, April 7, 1990, FINALLY PASSED.)

(In Senate, April 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-667).)

On further motion by same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

Emergency Resolve

Resolve, Creating a Commission on Adult Sentencing

H.P. 1801 L.D. 2471
(H "A" H-1099; S "A" S-654)

Tabled - April 10, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE

(In House, April 10, 1990, FINALLY PASSED.)

(In Senate, April 10, 1990, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1099) AND SENATE "A" (S-654), in concurrence.)

On further motion by same Senator, Resolve and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

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

Emergency

An Act Related to the Systems Assessment Commission

S.P. 701 L.D. 1839
(S "A" S-497 to C "A" S-485; S "A" S-490)

Tabled - February 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, February 26, 1990, PASSED TO BE ENACTED.)

(In Senate, February 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE "A" (S-485) AS AMENDED BY SENATE AMENDMENT "A" (S-497) thereto, and SENATE AMENDMENT "A" (S-490).)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the 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.

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

Emergency

An Act Concerning Growth Management

H.P. 1505 L.D. 2085
(C "A" H-790)

Tabled - March 2, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, March 1, 1990, PASSED TO BE ENACTED.)

(In Senate, February 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-790), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the 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.

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

Emergency

An Act to Continue the Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People

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

Tabled - March 27, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 27, 1990, PASSED TO BE ENACTED.)
(In Senate, March 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-931) AS AMENDED BY HOUSE AMENDMENT "A" (H-953) thereto, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the 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.

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

Emergency

An Act to Amend Certain Provisions of the Fish and Wildlife Laws

H.P. 1621 L.D. 2243
(C "A" H-1012)

Tabled - April 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, April 5, 1990, PASSED TO BE ENACTED.)
(In Senate, March 29, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1012), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the 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.

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

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

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

(In Senate, March 26, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-945), in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the 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.

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

Emergency

An Act to Provide Funds for the Maine Solid Waste Management Fund

H.P. 1821 L.D. 2494

Tabled - April 9, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, April 7, 1990, PASSED TO BE ENACTED.)
(In Senate, April 6, 1990, PASSED TO BE ENGROSSED, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the 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.

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing

H.P. 1813 L.D. 2485

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - FINAL PASSAGE
(In House, April 6, 1990, FINALLY PASSED.)
(In Senate, April 5, 1990, PASSED TO BE ENGROSSED, in concurrence.)

This being a Constitutional Amendment, in accordance with Article 10, Section 4 of the Constitution it requires the affirmative vote of two-thirds of those present and voting. 29 Senators having voted in the affirmative and 1 Senator in the negative and 29 being more than two-thirds of the Members present and voting, the Resolution was FINALLY PASSED and was signed by the President and presented by the Secretary of State.

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

Bond Issue

An Act Authorizing a General Fund Bond Issue in the Amount of \$20,250,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities

H.P. 1799 L.D. 2469
(S "A" S-661)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-661).)

This being a Bond Authorization Act, in accordance with Article 9, Section 14 of the Constitution it requires the affirmative vote of two-thirds of the members present and voting. 32 Members having voted in the affirmative and No Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Clarify Costs Associated with the Purchase of Land by School Administrative Units
S.P. 181 L.D. 338
(C "B" S-509)

Tabled - March 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 2, 1990, PASSED TO BE ENACTED.)
(In Senate, February 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-509).)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

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)

Tabled - April 5, 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 "A" (H-975), in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

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)

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

Pending - ENACTMENT
(In House, March 29, 1990, PASSED TO BE ENACTED.)
(In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-976) AS AMENDED BY HOUSE AMENDMENT "A" (H-1005) thereto, in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Increase Death Benefits under the Workers' Compensation Act
H.P. 1363 L.D. 1880
(C "A" H-786)

Tabled - March 2, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 1, 1990, PASSED TO BE ENACTED.)
(In Senate, February 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-786), in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Establish Certain Positions within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Labor Relations Act
H.P. 1380 L.D. 1911
(H "A" H-849 to C "A" H-819)

Tabled - March 12, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, March 12, 1990, PASSED TO BE ENACTED.)
(In Senate, March 2, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-819) AS AMENDED BY HOUSE AMENDMENT "A" (H-849) thereto, in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Clarify the Negotiability of Sabbatical Leave Agreements
H.P. 1613 L.D. 2230
(C "A" H-981)

Tabled - April 5, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT
(In House, April 5, 1990, PASSED TO BE ENACTED.)
(In Senate, March 28, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-981).)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Study the Development of Aquaculture in Maine
H.P. 1703 L.D. 2352
(H "A" H-1016 to C "A" H-1015)

Tabled - April 5, 1990, by Senator BRANNIGAN of Cumberland.

Pending - ENACTMENT
(In House, April 5, 1990, PASSED TO BE ENACTED.)
(In Senate, March 29, 1990, PASSED TO BE

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015) AS AMENDED BY HOUSE AMENDMENT "A" (H-1016) thereto, in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Modify the Applicability of the Certificate of Need Program to Hospitals and to Exempt Certain Hospital Restructuring Activities from the Requirement of Approval by the Maine Health Care Finance Commission

H.P. 1767 L.D. 2435
(C "A" H-1043)

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1043), in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

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

H.P. 1785 L.D. 2455
(C "A" H-1091)

Tabled - April 7, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 7, 1990, PASSED TO BE ENACTED.)

(In Senate, April 6, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1091), in concurrence.)

Which 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 SPECIAL APPROPRIATIONS TABLE the following:

An Act to Amend the Maine Criminal Code with Regard to Drugs

H.P. 1803 L.D. 2474

Tabled - April 6, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT

(In House, April 6, 1990, PASSED TO BE ENACTED.)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED, in concurrence.)

Which 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

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. We are blessed in our Legislature, particularly in my Committee and

in the Audit Committee, with the finest staff that I think could be gathered anywhere. I think some of you may not realize it but those people work very, very hard. In a couple of cases, people went without sleep for 48 hours, working to get these Bill's where they are. I'd like to express my appreciation to Bent Schlosser, Jim Clair, Jim Wakefield, and all the crew that work down in the Office of Fiscal and Program Review.

Off Record Remarks

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Ensure the Quality of Care for Mentally Ill and Mentally Retarded Individuals in the State" (Emergency)

H.P. 1419 L.D. 1971

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Ensure Comprehensive Services for Preschool Children with Severe or Multiple Handicaps"

H.P. 1426 L.D. 1978

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Effective Follow-up for Wilderness Programs Required of Adjudicated Youth"

H.P. 1444 L.D. 2013

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Fund the Marine Research Board's Grants Program"

H.P. 1445 L.D. 2014

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Emergency Assistance and Permanent Housing for the Homeless" (Emergency)

H.P. 1446 L.D. 2015

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Regarding Sludge Dewatering" (Emergency)

H.P. 1449 L.D. 2018

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding of the Bureau of Maine's Elderly"

H.P. 155 L.D. 207

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Staffing of Child Development Workers"

H.P. 650 L.D. 884

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide a Cost-of-living

Adjustment for Residential Treatment of Emotionally Disturbed Children"

H.P. 687 L.D. 939

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Family Support Services to Maine Families Who Choose to Care for Their Developmentally Disabled Children at Home"

H.P. 805 L.D. 1117

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Ensure Payment of Reasonable Costs of Operating Community-based Facilities for the Mentally Retarded" (Emergency)

H.P. 840 L.D. 1172

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Medicaid-reimbursable Mental Health Services to Families with Infants and Toddlers"

H.P. 900 L.D. 1257

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to the Boarding and Clothing of Foster Care Children"

H.P. 972 L.D. 1350

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding for Lobster Hatcheries"

H.P. 1035 L.D. 1446

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for Improved Juvenile Justice Services"

H.P. 1146 L.D. 1589

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Home-based Care for the Elderly" (Emergency)

H.P. 1315 L.D. 1817

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Emergency Funds for the Meals on Wheels Program"

H.P. 1317 L.D. 1819

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Additional Community Alternatives to Mental Institutions"

H.P. 1337 L.D. 1854

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Technical Assistance for Schools with Autistic Students"

H.P. 1338 L.D. 1855

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding for the Displaced Homemakers Program to Continue Rural Outreach, Employment and Training and Support Services for Maine Displaced Homemakers"

H.P. 1339 L.D. 1856

The President ordered a Quorum Call. The Roll being called, the following Senators answered to their name:

ROLL CALL

Senators ANDREWS, BALDACCI, BOST, BRANNIGAN, BROWN, 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

34 Senators having answered to the Roll, the President declared a quorum present.

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

Senator CAHILL: Thank you, Mr. President.

Ladies and Gentlemen of the Senate, regarding the last item we just had on Supplement Number 82, L.D. 1994, "An Act to Provide for Job Development Training Funding Capability Within the Resources of the State Contingent Account (Emergency)." I just want to say a couple of things to the record. We missed that before. This really deals with the House Amendment which is H-1132. This allocation is permissive, not mandatory and it's permissive until June 30, 1990. It's permissive up to \$75,000 and the program will look to dislocation funds first and then to this fund for funding. Thank you.

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, 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
(S "A" S-734 to C "A" S-627)

Which was FINALLY PASSED 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections"

H.P. 857 L.D. 1189
(S "A" S-279 to C "A" H-445)

In House, June 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445).

In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445) AS AMENDED BY SENATE AMENDMENT "A" (S-279) thereto, in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

Senator BALDACCI of Penobscot, moved to ADHERE.

Senator KANY of Kennebec moved to RECEDE and

CONCUR.

Senator BALDACCI of Penobscot requested a Division.

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Technical Assistance for Schools with Autistic Students"

H.P. 1338 L.D. 1855

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Funding for the Displaced Homemakers Program to Continue Rural Outreach, Employment and Training and Support Services for Maine Displaced Homemakers"

H.P. 1339 L.D. 1856

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The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to Restock Bryant Pond in Aroostook County"

H.P. 1340 L.D. 1857

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish a Franco-American Cultural Center at the University of Maine Lewiston-Auburn Campus"

H.P. 1359 L.D. 1876

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase Licensing Inspections of Boarding Care Facilities"

H.P. 1372 L.D. 1903

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Meet the Increasing Demand for Visits by Maternal and Child Health Care Nurses to the Homes of Multi-problem Families"

H.P. 1397 L.D. 1933

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Divert Certain Indigent Offenders from Incarceration"

H.P. 1454 L.D. 2028

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Provide More Adequate Funding for Contracted Human
Service Programs" (Emergency)

H.P. 1456 L.D. 2030

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Maintain Current Funding Levels for Transportation
Services Used by Recipients of Day Habilitation Services" (Emergency)

H.P. 1468 L.D. 2053

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Continue Services for Homeless Youth in Cumberland
County" (Emergency)

H.P. 1510 L.D. 2090

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Establish a System of Citizen Representatives for Persons
with Severe and Prolonged Mental Illness"

H.P. 1401 L.D. 1937

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act Preserving the Public Advocate Utility Assessment"
(Emergency)

H.P. 1402 L.D. 1938

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Improve the Staffing, Funding and Land Acquisition Process
of the Land for Maine's Future Board"

H.P. 1410 L.D. 1962

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Appropriate Funds for the Southern Maine Child
Development Clinic"

H.P. 1413 L.D. 1965

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Restructure the Long-term Care Ombudsman Program"

S.P. 696 L.D. 1834

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Preserve Home-based Care Services for Maine's Elderly Citizens" (Emergency)

S.P. 706 L.D. 1844

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Services to Homeless Adolescents"

S.P. 707 L.D. 1845

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for the Maine Head Injury Foundation"

S.P. 709 L.D. 1886

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Ensure That Children up to 5 Years of Age with Special Needs Receive Services to Address Their Treatment Needs"

S.P. 725 L.D. 1900

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Fund Sex Offender Treatment in Maine's Correctional Facilities" (Emergency)

S.P. 728 L.D. 1927

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds to Enhance the Service Corps of Retired Executives Organization"

S.P. 729 L.D. 1928

Senator **PERKINS** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Establish Demonstration Sites for Adult Day Care Programs for Hospital Patients Awaiting Placement in Nursing Homes

S.P. 740 L.D. 1944

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Emergency Shelter Services to Runaway and Homeless Youth"

S.P. 745 L.D. 1949

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Expand Eligibility for the Elderly Low-cost Drug Program"

S.P. 752 L.D. 1960

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance Access to Prenatal Care in Underserved Areas" (Emergency)

S.P. 758 L.D. 1983

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for Smoking and Substance Abuse Treatment for the Women, Infants and Children Program"

S.P. 772 L.D. 1997

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Facilitate Access to Adaptive Equipment for Persons with Long-term Disabilities"

S.P. 789 L.D. 2035

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Alternatives to Juvenile Detention"

S.P. 817 L.D. 2093

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Improve the Standard of Living of Children from Low-income Families"

S.P. 828 L.D. 2136

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens"

S.P. 831 L.D. 2139

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Promote Community-based Volunteerism in Defense of the Environment

S.P. 839 L.D. 2152

Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Additional Funds for the Public Advocate and Continue the Public Advocate Utility Assessment" (Emergency)

S.P. 862 L.D. 2211

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for Pay Increases to Employees of Community-based Service Agencies for the Mentally Retarded"

S.P. 911 L.D. 2319

Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide for Annual Increases in the Aid to Families with Dependent Children Standard of Need" (Emergency)

S.P. 963 L.D. 2430

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Authorizing the Governor and the Atlantic Sea Run Salmon Commission to Enter into an Agreement with Edwards Manufacturing Company, Inc. (Emergency)

H.P. 1837 L.D. 2508

Committee on **ENERGY AND NATURAL RESOURCES** 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.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create a Statewide Coordination Office for Suspected Child Abuse and Neglect Teams"

H.P. 1396 L.D. 1926

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1131)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1131)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1131) **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.

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish a Statewide System of School-to-community Transition Coordination Services for Handicapped Youth" (Emergency)

H.P. 1448 L.D. 2017

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1129)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1129)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1129) **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.

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

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations"

H.P. 1725 L.D. 2384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1128)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1128)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1128) **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.

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Implement Certain Recommendations of a Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs"

H.P. 1755 L.D. 2418

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1127)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1127)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1127) **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.

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

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations and to Change Certain Provisions of the Law for the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (Emergency)

H.P. 1763 L.D. 2428

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1126)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1126)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1126) **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.

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Require the State to Provide Full Funding for All Mandates Having an Impact on the Expenses of County and Municipal Governments"
H.P. 1783 L.D. 2453

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1124)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1124)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1124) **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.

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

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

Joint Orders

An Expression of Legislative Sentiment Recognizing Edmund A. MacDonald, on the occasion of his final session covering the Maine Legislature. "Mac" retires as the elder statesman of the State House Press Corps to return to the newsroom after a career marked by unfailing coverage of veterans affairs, his founding membership in the New England Ski Press Association and his service as press officer at the 1960 and 1980 Winter Olympics;

HLS 1345

Comes from the House, **READ** and **PASSED**.

Which was **READ**.

On motion by Senator **GAUVREAU** of Androscoggin, supported by a Division of at least one-fifth of the Members present and voting a Roll Call was ordered.

The Secretary called the Roll with the following results:

ROLL CALL

YEAS: Senators **ANDREWS, BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, 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**

NAYS: Senators None

ABSENT: Senators None

35 Senators having voted in the affirmative and No Senators having voted in the negative, with No Senators being absent, the Joint Order was **PASSED**, in concurrence.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 4, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | | 21 |
| Unanimous reports | | 19 |
| Leave to Withdraw | 3 | |
| Ought to Pass | 3 | |
| Ought Not to Pass | 1 | |
| Ought to Pass as Amended | 11 | |
| Ought to Pass in New Draft | 0 | |
| Re-Referred | 1 | |
| Divided reports | | 2 |

Respectfully submitted,

S/Bonnie L. Titcomb
Senate Chair

S/Daniel B. Hickey
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON AGRICULTURE
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 4, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Agriculture during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | | 24 |
| Unanimous reports | | 22 |
| Leave to Withdraw | | 5 |
| Ought to Pass | | 3 |
| Ought Not to Pass | | 0 |
| Ought to Pass as Amended | 14 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 2 | |

Respectfully submitted,

S/R. Donald Twitchell
Senate Chair

S/Robert J. Tardy
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

March 27, 1990

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|---|---|
| Total number of bills received | | 4 |
| Unanimous reports | | 4 |
| Leave to Withdraw | 0 | |
| Ought to Pass | 0 | |
| Ought Not to Pass | 0 | |
| Ought to Pass as Amended | 4 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 0 | |

Respectfully submitted,

S/Senator Beverly Miner Bustin
 Senate Chair

S/Rep. Neil Rolde
 House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON BANKING AND INSURANCE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Banking and Insurance during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | | 43 |
| Unanimous reports | | 41 |
| Leave to Withdraw | 15 | |
| Ought to Pass | 5 | |
| Ought Not to Pass | 1 | |
| Ought to Pass as Amended | 20 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 2 | |

Respectfully submitted,

S/Raynold Theriault
 Senate Chair

S/Charlene B. Rydell
 House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 4, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Business Legislation during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | | 26 |
| Unanimous reports | | 22 |
| Leave to Withdraw | 3 | |
| Ought to Pass | 3 | |
| Ought Not to Pass | 4 | |
| Ought to Pass as Amended | 12 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 4 | |

Respectfully submitted,

S/John E. Baldacci
Senate Chair

S/Carol M. Allen
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**JOINT SELECT COMMITTEE ON CORRECTIONS
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 4, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Joint Select Committee on Corrections during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|---|----|
| Total number of bills received | | 10 |
| Unanimous reports | 9 | |
| Leave to Withdraw | 0 | |
| Ought to Pass | 0 | |
| Ought Not to Pass | 3 | |
| Ought to Pass as Amended | 6 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 1 | |

The committee also voted out three bills pursuant to H.P. 1483 which have no L.D. numbers yet:

Sentencing - Ought to Pass
Omnibus - Ought to Pass
Bond Issue - Divided

Respectfully submitted,

S/Beverly Miner Bustin
Senate Chair

S/Rita B. Melendy
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON EDUCATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 11, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Education during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | | 41 |
| Unanimous reports | | 35 |
| Leave to Withdraw | 9 | |
| Ought to Pass | 1 | |
| Ought Not to Pass | 3 | |
| Ought to Pass as Amended | 21 | |
| Ought to Pass in New Draft | 0 | |
| Re-Referred | 1 | |
| Divided reports | 5 | |
| Joint Order | 1 | |

Respectfully submitted,

S/Stephen C. Estes
Senate Chair

S/Nathaniel Crowley, Sr.
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 12, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Energy and Natural Resources during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 84 | |
| Unanimous reports | | 76 |
| Leave to Withdraw | 4 | |
| Ought to Pass | 2 | |
| Ought Not to Pass | 20 | |
| Ought to Pass as Amended | 47 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | 3 | |
| Divided reports | 8 | |

Respectfully submitted,

S/Judy C. Kany
Senate Chair

S/Michael H. Michaud
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Fisheries & Wildlife during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 12 | |
| Unanimous reports | | 11 |
| Leave to Withdraw | 1 | |
| Ought to Pass | 1 | |
| Ought Not to Pass | 4 | |
| Ought to Pass as Amended | 4 | |
| Ought to Pass in New Draft | 1 | |
| Divided reports | | 1 |

Respectfully submitted,

S/Edgar E. Erwin
Senate Chair

S/Paul F. Jacques
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 4, 1990

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Housing and Economic Development during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|---|
| Total number of bills received | 11 | |
| Unanimous reports | | 9 |
| Leave to Withdraw | 1 | |
| Ought to Pass | 1 | |
| Ought Not to Pass | 0 | |
| Ought to Pass as Amended | 7 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 2 | |

The committee also voted out a Resolution Ought to Pass.

Respectfully submitted,

S/Dennis L. Dutremble
 Senate Chair

S/Gregory G. Nadeau
 House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON HUMAN RESOURCES
 ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
 President of the Senate
 114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Human Resources during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 67 | |
| Unanimous reports | | 62 |
| Leave to Withdraw | 14 | |
| Ought to Pass | 6 | |
| Ought Not to Pass | 0 | |
| Ought to Pass as Amended | 39 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | | 3 |
| Divided reports | | 5 |

Respectfully submitted,

S/N. Paul Gauvreau
 Senate Chair

S/Peter J. Manning
 House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON JUDICIARY
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 12, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Judiciary during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 69 | |
| Unanimous reports | | 64 |
| Leave to Withdraw | 29 | |
| Ought to Pass | 2 | |
| Ought Not to Pass | 0 | |
| Ought to Pass as Amended | 31 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | 2 | |
| Divided reports | 1 | |
| Joint Orders | 4 | |

Respectfully submitted,

S/Barry J. Hobbins
Senate Chair

S/Patrick E. Paradis
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON LABOR
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Labor during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | |
|--------------------------------|----|
| Total number of bills received | 24 |
|--------------------------------|----|

| | | |
|----------------------------|----|----|
| Unanimous reports | | 21 |
| Leave to Withdraw | 6 | |
| Ought to Pass | 1 | |
| Ought Not to Pass | 2 | |
| Ought to Pass as Amended | 12 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 3 | |

Respectfully submitted,

S/Sen. Donald Esty, Jr.
Senate Chair

S/Rep. Edward A McHenry
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Legal Affairs during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 42 | |
| Unanimous reports | | 37 |
| Leave to Withdraw | 8 | |
| Ought to Pass | 5 | |
| Ought Not to Pass | 5 | |
| Ought to Pass as Amended | 18 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred to Judiciary 1 | | |
| Divided reports | 5 | |

Respectfully submitted,

S/Zachary E. Matthews
Senate Chair

S/Charles R. Priest
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 4, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Marine Resources during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 11 | |
| Unanimous reports | | 11 |
| Leave to Withdraw | 1 | |
| Ought to Pass | 1 | |
| Ought Not to Pass | 1 | |
| Ought to Pass as Amended | 8 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | 0 | |

Respectfully submitted,

S/Joseph Brannigan
Senate Chair

S/James Mitchell
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 12, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on State and Local Government during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 63 | |
| Unanimous reports | | 56 |
| Leave to Withdraw | 12 | |
| Ought to Pass | 8 | |
| Ought Not to Pass | 4 | |
| Ought to Pass as Amended | 16 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | 2 | |
| Pursuant to Joint Order | 14 | |
| Divided reports | | 7 |

Respectfully submitted,

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

Friday, April 13, 1990

**COMMITTEE ON TAXATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Taxation during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 39 | |
| Unanimous reports | | 36 |
| Leave to Withdraw | 10 | |
| Ought to Pass | 7 | |
| Ought Not to Pass | 10 | |
| Ought to Pass as Amended | 8 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | 1 | |
| Divided reports | 3 | |

Respectfully submitted,

S/Thomas H. Andrews
Senate Chair

S/John A. Cashman
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 5, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Transportation during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 21 | |
| Unanimous reports | | 20 |
| Leave to Withdraw | 3 | |
| Ought to Pass | 3 | |
| Ought Not to Pass | 1 | |
| Ought to Pass as Amended | 13 | |
| Ought to Pass in New Draft | 0 | |
| Divided reports | | 1 |

Respectfully submitted,

S/Sen. R. Donald Twitchell
Senate Chair

S/Rep. Fred W. Moholland
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON UTILITIES
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 6, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Utilities during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

| | | |
|--------------------------------|----|----|
| Total number of bills received | 27 | |
| Unanimous reports | | 27 |
| Leave to Withdraw | 5 | |
| Ought to Pass | 5 | |
| Ought Not to Pass | 1 | |
| Ought to Pass as Amended | 15 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | 1 | |
| Divided reports | 0 | |

Respectfully submitted,

S/Stephen Bost
Senate Chair

S/Herbert Clark
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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**

April 13, 1990

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates" (S.P. 1004) (L.D. 2492):

Representative MICHAUD of East Millinocket
Representative JACQUES of Waterville
Representative LORD of Waterboro

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:

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF
EDUCATIONAL AND CULTURAL SERVICES
STATE HOUSE STATION 23
AUGUSTA, MAINE 04333**

April 11, 1990

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

Dear President Pray:

In accordance with the provisions of 20-A MRSA, Chapter 421, it is my duty to annually report to the Legislature and to the Governor a plan which assures, to the extent practicable, that Contract students return to practice their profession within the State. Therefore, it is my pleasure to transmit herewith the Annual Status Report prepared by the Advisory Committee on Medical Education which summarizes the Committee's activities and recommendations for the period January 1989 to December 1989.

Yours truly,

S/Eve M. Bither
Commissioner

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Determine the Prevalence of Lyme Disease in Maine"
H.P. 1511 L.D. 2091

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Address the Crisis Confronting Clients of the Training Programs Administered by the Bureau of Vocational Rehabilitation"
(Emergency)
H.P. 1526 L.D. 2111

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Emergency Supplemental Funding to Maintain the Current Level of AIDS-related Community-based Services Provided through the AIDS Project" (Emergency)
H.P. 1556 L.D. 2156

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Directing the Department of Environmental Protection to Establish a Clearinghouse for Information on Pollution Research, Control and Abatement
H.P. 1584 L.D. 2196

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Implement the Training and Work Incentive Provisions of the Federal Family Support Act of 1988" (Emergency)
H.P. 1586 L.D. 2198

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Emergency Needs of Developmentally Disabled Persons and Mentally Retarded Persons"
H.P. 1618 L.D. 2240

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Nonresidential Services and Sheltered Group Homes for Girls"
H.P. 1697 L.D. 2346

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Amend the Maine Rainy Day Fund" (Emergency)
H.P. 1698 L.D. 2347

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Amend the Laws Governing Submission of Bills with
Supplemental Appropriations"
H.P. 1707 L.D. 2356

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Dedicate Funds to Ensure Access to Health Care"
(Emergency)
H.P. 1743 L.D. 2407

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Implement Meaningful Legislative Oversight of State
Finances"
H.P. 1794 L.D. 2460

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**
on Bill "An Act to Reduce the Administrative Costs of State Government"
(Emergency)
H.P. 1796 L.D. 2463

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding the Maine Environmental Protection Fund Air
Emission Fee Schedule"
H.P. 1840 L.D. 2511

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

Which was, under suspension of the Rules, **READ TWICE**, without
reference to a Committee.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment
"A" (S-740) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED**, as Amended, without
reference to a Committee and **ORDERED PRINTED** in
NON-CONCURRENCE.

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

Bill "An Act to Extend the Sunset of Special Seasonal Liquor Stores"
H.P. 1838 L.D. 2509

Committee on **LEGAL AFFAIRS** suggested and **ORDERED
PRINTED**.

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

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

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

Bill "An Act to Validate and Ratify a Vote of the Town of Gray Concerning the Gray Water District" (Emergency)
H.P. 1839 L.D. 2510

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 forthwith to the Engrossing Department.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for a Design Competition for the Construction of a New Supreme Judicial Court Facility in Augusta"
H.P. 1774 L.D. 2442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1125)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1125)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (S-1125) **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.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Relating to the Collection of Health Data in Ambulatory Settings"

S.P. 753 L.D. 1961

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-739)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-739) **READ** and **ADOPTED**.

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

Under suspension of the Rules, ordered sent down forthwith 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:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for Acquisition of Certain Rail Lines, Rail Trackage Rights or Easements or Ancillary Rights and Interests for the Establishment, Preservation and Operation of a Rail System to Service Maine

S.P. 1009 L.D. 2504
(S "A" S-700)

This being a Bond Authorization Act and having received the affirmative vote of 30 Members of the Senate, with 2 Senators having voted in negative, and 30 being more than two-thirds of the Membership present and voting 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 Consolidate Funding of the Protection and Advocacy Agency for Persons with Disabilities

S.P. 766 L.D. 1991
(C "A" S-704)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

**DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION #45
AUGUSTA, MAINE 04333**

April 13, 1990

The Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333-00003

Dear President Pray:

We are pleased to submit to the 114th Legislature the second Annual Report on the Status of the Maine Workers' Compensation System pursuant to Public Law 1987, Chapter 599. This document summarizes the results of data collection by the three agencies involved and is intended to present a profile of the workers' compensation system including costs, administration, adequacy, and an evaluation of the entire system.

Like its predecessor, this report is organized into three sections. The report itself, however, is a cooperative effort.

Sincerely,
S/Joseph Edwards
Superintendent
Bureau of
Insurance

Sincerely,
S/William Peabody
Acting Director
Bureau of Labor
Standards

Sincerely,
S/Ralph Tucker
Chairman
Workers' Comp.
Commission

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

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

COMMUNICATIONS

The Following Communication:

H.P. 1835

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

April 12, 1990

TO: The Honorable Members of the 114th Maine Legislature:

I am returning, without my signature or approval, H.P. 1588 - L.D. 2200, "AN ACT Regarding Investment of Funds in Corporations Doing Business in Northern Ireland". This legislation would require that decisions on investment of trust funds in the Maine State Retirement System be tied to adoption of certain MacBride Principles by U.S. corporations doing business in Northern Ireland.

I appreciate and respect the good intentions of the bill's supporters. However, this legislation interferes with sound fiscal management of our publicly funded Retirement System, in the interest of promoting a campaign which does not seem to have widespread support in Northern Ireland among those who are supposed to benefit from it. Nor has the campaign been embraced by the U.S. Congress or the international community.

The desirability of the MacBride Principles is not at issue in my decision. I have serious reservations about using our pension funds, paid for by public employees and the taxpayers, to promote any campaign of social policy in other nations however appealing they might seem here in Maine. Investment decisions in the Maine State Retirement System should be based on prudent fiscal policy with the plan participants in mind. I am aware that we have enacted similar legislation with respect to South Africa. That government's legal policy of racial discrimination, backed by the full force of their police power, has provoked a campaign of economic sanctions against South Africa by the U.S. and other governments throughout the world, with the backing of prominent South African leaders.

I cannot agree that our actions regarding South Africa set a precedent for similar action in Northern Ireland where discrimination is illegal. The campaign to impose the MacBride Principles has not achieved the same level of international recognition. The U.S. Congress, which has readily confronted civil rights violations here and abroad, has never joined the campaign, nor has the international community.

Furthermore, the degree of support for the campaign within that country is uncertain. While I have received no letters from Northern Ireland supporting L.D. 2200, I have received letters from leaders of labor, religious, political, and professional organizations urging my veto because of deep concern for the damage they believe the campaign is causing. For instance, the position of the largest trade union in Northern Ireland which is 50% Catholic, is that the negative disinvestment focus of the campaign will harm the prospects of unemployed Catholics more than any other group.

I share with all Maine legislators the desire to eliminate religious discrimination in Northern Ireland. Last week's Irish Echo contained an article by John Hume, Leader of the Social Democratic and Labour Party, the main Catholic Nationalist Party in Northern Ireland. Mr. Hume expresses serious concern that the campaign to impose the MacBride Principles on U.S. corporations interferes with his country's crucial objective of job creation in areas of high unemployment. He appeals to state

legislatures and Irish Americans to use our influence with corporations in our states to invest in areas of high unemployment in Northern Ireland. The State of Maine moved in that direction in May, 1986 when we signed an Agreement with the Industrial Development Board for Northern Ireland to promote two-way trade and investment opportunities. I would be pleased to work with legislators to expand Maine's economic ties with Northern Ireland by encouraging import/export deals, licensing agreements, and joint ventures.

I am extremely reluctant to link management decisions about our retirement trust funds with campaigns to influence bitter conflicts within other countries. Maine citizens are not in a position to monitor international events. A case in point is newly independent Namibia, against which sanctions have been lifted by the United States, but which is still targeted for investment restrictions in Maine law. Furthermore, it is disturbing to me, as Chief Executive, to see evidence of significant opposition to Maine's promotion of the MacBride campaign by those who live, work, and raise families in Northern Ireland.

Because of these reservations, I am in opposition to L.D. 2200 and respectfully urge you to sustain my veto.

Sincerely,

S/JOHN R. MCKERNAN,

Governor

JR.

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

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

H.P. 1588 L.D. 2200
(H "A" H-1031 to C "A"
H-1006)

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED** notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become Law notwithstanding the objections of the Governor?"

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

The Secretary called the Roll with the following result:

ROLL CALL

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

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, EMERSON, GOULD, HOLLOWAY, LUDWIG, PERKINS, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, with No Senators being absent, and 21 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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

On motion by Senator **TITCOMB** of Cumberland, **RECESSED** until the 8:00 this evening.

After Recess

Senate called to order by the President.

HELD MATTER

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** whereby it **PASSED TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**:

Resolve, Authorizing the Conveyance of Certain Public Lands and the Settlement of a Boundry Line Dispute Involving Public Lands
H.P. 1779 L.D. 2446
(S "B" S-738)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 1008, in concurrence.)

(In Senate, April 13, 1990, **RECONSIDERED** whereby the Senate **ADHERED. RECEDED FROM PASSAGE TO BE ENGROSSED AS AMENDED.** Senate Amendment "B" (S-738) **READ** and **ADOPTED.** **RECONSIDERED ADOPTION** of Committee Amendments "A" (H-1062) and "B" (H-1063) and **INDEFINITELY POSTPONED** the same. Subsequently, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-738)** in **NON-CONCURRENCE.**)

(Held by the Chair, previously action violated Parliamentary Procedure.)

On motion by Senator **KANY** of Kennebec, the Senate **RECONSIDERED** whereby it **INDEFINITELY POSTPONED** Committee Amendment "A" (H-1062).

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** whereby it **INDEFINITELY POSTPONED** Committee Amendment "B" (H-1063).

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "B" (S-738).

Senator **WEBSTER** of Franklin requested and received Leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "B" (S-738).

On motion by Senator **KANY** of Kennebec, the Senate **RECONSIDERED** whereby it had **RECEDED.**

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED.**

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

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

COMMITTEE REPORTS

Senate

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates"

S.P. 1004 L.D. 2492

Have had the same under consideration and ask leave to report that the Senate **Insist to Passage to be Engrossed.**

That the House **Recede and Concur** with the Senate.

Signed on the part of the Senate:
Senator KANY of Kennebec
Senator CLARK of Cumberland
Senator CAHILL of Sagadahoc

Signed on the part of the House:
Representative MICHAUD of East Millinocket
Representative JACQUES of Waterville
Representative LORD of Waterboro

Which Report was **READ** and **ACCEPTED.**

The Senate **INSISTED.**

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND FOURTEENTH LEGISLATURE**

April 13, 1990

The Honorable Charles P. Pray
President of the Senate
114th Legislature

Dear President Pray:

We are pleased to report that all business which was placed before the Committee on Appropriations and Financial Affairs during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received

148

| | | |
|----------------------------|----|-----|
| Unanimous reports | | 147 |
| Leave to Withdraw | 12 | |
| Ought to Pass | 5 | |
| Ought Not to Pass | 88 | |
| Ought to Pass as Amended | 24 | |
| Ought to Pass in New Draft | 0 | |
| Re-referred | 18 | |
| Divided reports | 1 | |

Respectfully submitted,

S/Michael D. Pearson
Senate Chair

S/Donald V. Carter
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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 Establish a Statewide System of School-to-community Transition Coordination Services for Handicapped Youth
H.P. 1448 L.D. 2017
(C "A" H-1126)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in negative, and 24 being 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:

An Act to Implement Certain Recommendations of a Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs
H.P. 1755 L.D. 2418
(C "A" H-1127)

On motion by Senator **CLARK** of Cumberland, Tabled until later in Today's Session, 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:

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Restoration and Preservation of Historic Buildings and Improvements at State Park Facilities

H.P. 1381 L.D. 1912
(C "A" H-1122)

This being a Bond Authorization Act and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the Membership present and voting 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 Validate and Ratify a Vote of the Town of Gray Concerning the Gray Water District

H.P. 1839 L.D. 2510

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

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 Provide Funds for a Design Competition for the Construction of a New Supreme Judicial Court Facility in Augusta

H.P. 1774 L.D. 2442
(C "A" H-1125)

At the request of Senator **WEBSTER** of Franklin a Division was had. 27 Senators having voted in the affirmative and 6 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Extend the Sunset of Special Seasonal Liquor Stores
H.P. 1838 L.D. 2509

Which 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Regarding the Maine Environmental Protection Fund Air Emission Fee Schedule"

H.P. 1840 L.D. 2511
(S "A" S-740)

In House, April 13, 1990, referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

In Senate, April 13, 1990, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-740)**, without reference to a Committee in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

On motion by Senator **BALDACCI** of Penobscot, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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

Senate at Ease

Senate called to order by the President.

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 Create a Statewide Coordination Office for Suspected Child Abuse and Neglect Teams

H.P. 1396 L.D. 1926
(C "A" H-1131)

Which 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:

An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations

H.P. 1725 L.D. 2384
(C "A" H-1128)

Which 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:

An Act to Clarify the Laws Relating to Audit Reports, Audit Adjustments and Withholding State Subsidy

S.P. 770 L.D. 1995
(C "A" S-706)

An Act to Increase the Bonding Limit for the Maine Court Facilities Authority

S.P. 973 L.D. 2439
(C "A" S-705)

An Act to Clean the Environment by the Reduction of Toxics Use, Waste and Release

S.P. 1011 L.D. 2507
(C "A" S-708)

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

ORDERS OF THE DAY

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

An Act to Implement Certain Recommendations of a Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs
H.P. 1755 L.D. 2418
(C "A" H-1127)

Tabled - April 13, 1990, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In House, April 13, 1990, **PASSED TO BE ENACTED**)

(In Senate, April 13, 1990, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1127)**, in concurrence.)

Senator **CAHILL** of Sagadahoc requested a Division.

On motion by Senator **GILL** of Cumberland, Tabled until Later in Today's Session, pending **ENACTMENT**. (Division Requested)

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

Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce"

H.P. 438 L.D. 603
(S "B" S-347; S "C" S-352 to
C "B" H-633)

Tabled - July 1, 1989, by President **PRAY** of Penobscot.

Pending - Motion of Senator **ANDREWS** of Cumberland to **RECONSIDER** whereby the Senate **ADHERED**

(In House, June 21, 1989, **PASSED TO BE ENACTED**.)

(In Senate, June 21, 1989, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-633) AS AMENDED BY SENATE AMENDMENTS "B" (S-347) AND "C" (S-352) thereto**, in **NON-CONCURRENCE**.)

(In House, June 21, 1989, that Body **ADHERED**.)

(In Senate, June 21, 1989, **ADHERED**.)

Senator **ANDREWS** of Cumberland requested and received Leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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

Bill "An Act to Encourage the Development of Programs of Assistance to Students Seeking Postsecondary Education"

S.P. 1002 L.D. 2490

Tabled - April 5, 1990, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(Committee on **EDUCATION** suggested and **ORDERED PRINTED.**)

On motion by Senator **BOST** of Penobscot, the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

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

Bill "An Act to Authorize the Atlantic Sea Run Salmon Commission to Take the Edwards Dam by Right of Eminent Domain" (Emergency)

H.P. 1700 L.D. 2349

(Reported pursuant to Joint Rule 13.)

Tabled - April 11, 1990, by Senator **CLARK** of Cumberland.

Pending - **CONSIDERATION**

(In House, April 10, 1990, Bill **ORDERED PLACED IN THE LEGISLATIVE FILES.**)

On motion by Senator **BUSTIN** of Kennebec, the Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

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

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

Bill "An Act Relating to Restructuring Maine Public Schools"

S.P. 930 L.D. 2359

(C "A" S-614)

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, March 27, 1990, **READ A SECOND TIME.**)

Senator **ESTES** of York moved the **INDEFINITE POSTPONEMENT** of the Bill and Accompanying Papers.

Senator **GILL** of Cumberland requested a Division.

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

The Secretary called the Roll with the following result:

ROLL CALL

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

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

ABSENT: Senator **BERUBE**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ESTES** of York, to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, **PREVAILED**.

Sent down for concurrence.

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

ORDERS

Joint Order

On motion by Senator **PEARSON** of Penobscot the following Joint Order:

S.P. 1012

ORDERED, the House concurring, that Bill, "An Act to Return Certain Positions within the Department of Mental Health and Mental Retardation to Classified Service under the Civil Service Law and to Establish Uniform Pay Schedules," H.P. 1380, L.D. 1911, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Which was **READ** and **PASSED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith 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 Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded

H.P. 250 L.D. 362
(S "B" S-709 to C "A" H-813)

Which 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:

An Act to Create a Fuel Assistance Reserve Fund

H.P. 332 L.D. 451
(S "A" S-710 to C "B" H-908)

Which 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:

An Act to Amend County Jail Transfers and the Community Corrections Laws'

S.P. 277 L.D. 723
(S "B" S-711 to C "B" S-519)

Which 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:

An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid

H.P. 1398 L.D. 1934
(S "A" S-712 to C "A" H-831)

Which 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:

An Act to Establish the Office of Substance Abuse
S.P. 909 L.D. 2312
(S "B" S-713 to C "A" S-639)

Which 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:

An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System
H.P. 1692 L.D. 2342
(S "A" S-714 to C "A" H-974)

Which 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:

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

H.P. 1336 L.D. 1853
(H "A" H-1037; S "A" S-718
to C "A" H-986)

Which 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:

An Act to Amend the Laws Relating to the Purchase of Military Service Credits by Members of the Maine State Retirement System

H.P. 1346 L.D. 1863
(S "A" S-719 to C "A" H-796)

Which 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:

An Act to Permit Changes in the Charter of the City of Ellsworth School District

S.P. 720 L.D. 1895
(S "A" S-720 to C "A" S-531)

Which 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:

An Act to Amend the Counseling Licensing Laws

S.P. 730 L.D. 1929
(S "B" S-721 to C "A" S-640)

Which 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:

An Act to Establish Coastal Watershed Districts

H.P. 1438 L.D. 2008
(S "A" S-722 to C "A" H-751)

Which 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:

An Act Relating to Services to Infants and Young Children, Ages 0 through 5, Who Are Handicapped or at Risk for Developmental Delay

S.P. 805 L.D. 2068
(H "A" H-1032; S "B" S-723
to C "A" S-592)

Which 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:

An Act to Amend the Percent for Art Act

S.P. 834 L.D. 2142
(S "A" S-528; S "B" S-726; C
"A" S-521)

Which was **PASSED TO BE ENACTED**.

On motion by Senator **WEBSTER** of Franklin, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**.

At the request of Senator **WEBSTER** of Franklin a Division was had. 29 Senators having voted in the affirmative and 2 Senators having voted in the negative, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Resolve

Resolve, Authorizing the Governor and the Atlantic Sea Run Salmon Commission to Enter into an Agreement with Edwards Manufacturing Company, Inc.

H.P. 1837 L.D. 2508

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 Clarify the Role of the Board of Environmental Protection

H.P. 1602 L.D. 2214
(H "A" H-1040; S "B" S-716
to C "A" H-950)

Which 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:

An Act to Create the Maine Coast Environmental Trust Fund
H.P. 1589 L.D. 2201
(S "A" S-728 to C "A" H-811)

Which 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:

An Act to Create Community Restitution Centers
H.P. 1640 L.D. 2273
(S "A" S-730 to C "A" H-1002)

Which 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:

An Act to Provide Greater Opportunities for Orphans and Foster Children
H.P. 1685 L.D. 2333
(S "A" S-731 to C "A" H-1010)

Which 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:

An Act Relating to Correctional Policy

H.P. 1814 L.D. 2486
(S "A" S-735 to S "B" S-673)

Which 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:

Resolve

Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties

H.P. 1752 L.D. 2415
(H "A" H-1034; S "A" S-715
to C "A" H-956)

Which was **FINALLY PASSED** 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 Concerning the Carrying of Firearms and Firearms Safety Programs

H.P. 1737 L.D. 2398
(S "A" S-733 to C "A"
H-1030)

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

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 Expand and Extend the Maine Managed Care Insurance Plan Demonstration Project

H.P. 1509 L.D. 2089
(S "A" S-724 to C "A" H-823)

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

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 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; S "A" S-729
to C "A" H-928)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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 Resolve

Resolve, to Study the Use of Herbicides

S.P. 700 L.D. 1838
(S "A" S-717 to C "A" S-480)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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 Resolve

Resolve, to Study Threats to Maine Lakes

S.P. 841 L.D. 2160
(S "A" S-727 to C "A" S-503)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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; S "A" S-732
to C "A" H-1003)

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

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 Resolve

Resolve, to Establish a Medicaid Plan for Children and Families
S.P. 704 L.D. 1842
(C "A" S-737)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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:

An Act Relating to the Collection of Health Data in Ambulatory Settings
S.P. 753 L.D. 1961
(C "A" S-739)

Which 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend and Improve the Education Laws of Maine"
S.P. 830 L.D. 2138
(S "A" S-725 to C "A" S-534)

In House, March 9, 1990, **PASSED TO BE ENACTED.**

In Senate, April 13, 1990, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY SENATE AMENDMENT "A" (S-725) thereto, in NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-534) AS AMENDED BY HOUSE AMENDMENT "A" (H-1134) thereto, in NON-CONCURRENCE.**

The Senate **RECEDED** and **CONCURRED**.

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

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

ORDERS

Joint Order

On motion by Senator **HOBBS** of York the following Joint Order:
S.P. 1013

ORDERED, the House concurring, that Bill, "An Act to Implement the Recommendations of the Court Jurisdiction Study," H.P. 1682, L.D. 2328, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ** and **PASSED**.

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

The following proceedings were conducted after 12:01 a.m., Saturday, April 14, 1990.

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 Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency)
S.P. 769 L.D. 1994
(C "A" S-707)

In Senate, April 13, 1990, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707) AS AMENDED BY HOUSE AMENDMENT "A" (H-1132)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECEDED** from **PASSAGE TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECEDED** from **ADOPTION** of Committee Amendment "A" (S-707).

House Amendment "A" (H-1132) to Committee Amendment "A" (S-707) **READ** and **ADOPTED**.

On further motion by same Senator, Senate Amendment "B" (S-743) to Committee Amendment "A" (S-707) **READ** and **ADOPTED**.

The following proceedings were conducted after 12:01 a.m., Saturday April 14, 1989.

Committee Amendment "A" (S-707) as Amended by House Amendment "A" (H-1132) and Senate Amendment "B" (S-743) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

Continue in Record

The President ordered a Quorum Call.

The Roll being called, the following Senators answered to their name:

ROLL CALL

Senators: ANDREWS, BALDACCI, BOST, BRANNIGAN, BRAWN, 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

34 Senators having answered to the Roll, the President declared a quorum present.

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, 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
(S "A" S-734 to C "A" S-627)



Adjustment for Residential Treatment of Emotionally Disturbed Children"

H.P. 687 L.D. 939

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Family Support Services to Maine Families Who Choose to Care for Their Developmentally Disabled Children at Home"

H.P. 805 L.D. 1117

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Ensure Payment of Reasonable Costs of Operating Community-based Facilities for the Mentally Retarded" (Emergency)

H.P. 840 L.D. 1172

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Medicaid-reimbursable Mental Health Services to Families with Infants and Toddlers"

H.P. 900 L.D. 1257

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Relating to the Boarding and Clothing of Foster Care Children"

H.P. 972 L.D. 1350

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding for Lobster Hatcheries"

H.P. 1035 L.D. 1446

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds for Improved Juvenile Justice Services"

H.P. 1146 L.D. 1589

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Home-based Care for the Elderly" (Emergency)

H.P. 1315 L.D. 1817

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Emergency Funds for the Meals on Wheels Program"

H.P. 1317 L.D. 1819

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Additional Community Alternatives to Mental Institutions"

H.P. 1337 L.D. 1854

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Technical Assistance for Schools with Autistic Students"

H.P. 1338 L.D. 1855

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Increase Funding for the Displaced Homemakers Program to Continue Rural Outreach, Employment and Training and Support Services for Maine Displaced Homemakers"

H.P. 1339 L.D. 1856

The President ordered a Quorum Call. The Roll being called, the following Senators answered to their name:

ROLL CALL

Senators ANDREWS, BALDACCI, BOST, BRANNIGAN, BROWN, 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

34 Senators having answered to the Roll, the President declared a quorum present.

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

Senator CAHILL: Thank you, Mr. President.

Ladies and Gentlemen of the Senate, regarding the last item we just had on Supplement Number 82, L.D. 1994, "An Act to Provide for Job Development Training Funding Capability Within the Resources of the State Contingent Account (Emergency)." I just want to say a couple of things to the record. We missed that before. This really deals with the House Amendment which is H-1132. This allocation is permissive, not mandatory and it's permissive until June 30, 1990. It's permissive up to \$75,000 and the program will look to dislocation funds first and then to this fund for funding. Thank you.

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, 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
(S "A" S-734 to C "A" S-627)

Which was FINALLY PASSED 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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections"

H.P. 857 L.D. 1189
(S "A" S-279 to C "A" H-445)

In House, June 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445).

In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445) AS AMENDED BY SENATE AMENDMENT "A" (S-279) thereto, in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

Senator BALDACCI of Penobscot, moved to ADHERE.

Senator KANY of Kennebec moved to RECEDE and CONCUR.

Senator BALDACCI of Penobscot requested a Division.

On motion by Senator WEBSTER of Franklin, Tabled until Later in Today's Session, pending the motion of Senator KANY of Kennebec to RECEDE and CONCUR. (Division Requested)

Non-concurrent Matter

Bill "An Act to Reduce Health Care Cost and Enhance Medical Care through Tort Reform"

S.P. 1006 L.D. 2498

In Senate, April 11, 1990, referred to the Committee on JUDICIARY and ORDERED PRINTED. Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED 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

Non-concurrent Matter

Bill "An Act to Help Fund County Government"

S.P. 850 L.D. 2179

(C "A" S-577)

In Senate, March 13, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-577). Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED 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 Establish Designated Positions Within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Relations Act"

H.P. 1841 L.D. 2512

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested and ORDERED PRINTED.

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

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

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

Under suspension of the Rules, all matters thus acted upon ordered sent down forthwith 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:

Constitutional Amendment

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

H.P. 1793 L.D. 2459

Comes from the House FAILING OF FINAL PASSAGE.

This being a Constitutional Amendment and having received the affirmative vote of 19 Members of the Senate, with 15 Senators having voted in negative, and 19 being less than two-thirds of the Membership present and voting FAILED OF FINAL PASSAGE, in concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections"

H.P. 857 L.D. 1189

(S "A" S-279 to C "A"

H-445)

Tabled - April 13, 1990, by Senator WEBSTER of Franklin.

Pending - Motion of Senator KANY of Kennebec to RECEDE and CONCUR (Division requested)

(In House, June 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445).)

(In Senate, June 14, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445) AS AMENDED BY SENATE AMENDMENT "A" (S-279) thereto, in NON-CONCURRENCE.)

(In House, April 14, 1990, that Body ADHERED.)

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

Senator BALDACCI: Thank you. Mr. President, Members of the Senate, just a quick clarification. This was the matter that was held over from last year that dealt with the State taking over the county jails. In the Senate, we had put an amendment on to have a referendum provision. In the House, they had \$14 or 15 million that would be dedicated towards taking over the county jails. I move that the Senate adhere.

THE PRESIDENT: The Chair would advise the Senator that the pending motion is the motion of the Senator from Kennebec, Senator Kany, that the Senate recede and concur.

At the request of Senator BALDACCI of Penobscot, a Division was had. 7 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion of Senator KANY of Kennebec, to RECEDE and CONCUR, FAILED.

On motion by Senator BALDACCI of Penobscot, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

On motion by Senator PERKINS of Hancock, 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:

ENACTORS

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

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

H.P. 1783 L.D. 2453

(C "A" H-1124)

Which 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:

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
(H "A" H-1008; S "B"
S-672 to C "C" H-820)

In House, April 5, 1990, PASSED TO BE ENACTED.

In Senate, April 10, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-820) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008) AND SENATE AMENDMENT "B" (S-672) thereto, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-1130) in NON-CONCURRENCE.

In absence of a motion from the floor, the Chair moved to RECEDE and CONCUR.

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

Senator GILL: Mr. President, I would request a Division on that motion and I would like to speak to my motion. This is the Bill that I've spoken to you several times about, trying to plan to establish a plan to set up either a Department or another structure to deal with children's services.

I stand tonight, opposing what we have before us, because the last work session that we had, of people who were involved from the Committee and with the Speaker and with representatives from the Governor's office, brought about, what I thought would be, a compromise effort. I kept waiting for a final copy of the Bill that we were working on and I got my copy fifteen minutes before we got ours on the desks.

It has been changed since we sat down together jointly to discuss this. It now reads and calls for, "the establishment of a Department of Children", immediately to establish the Department of Children with a Commissioner in that spot. We moved away from that quite a long time ago. We had been working towards just establishing a plan to see whether a Department would be needed or whether some other structure would be needed. In the last short period of time after this whole last negotiation period we had with many people involved, people sat together in the other end of the Hall and devised this new piece which includes the Department of Children in it.

It is not something I can live with. It's not something the Governor can live with. It goes back to the initial Bill that we had before us that I asked you to not vote for. I'm really disheartened that we are at this point. I hate to ask you to vote against this because so much effort and time, my time and other people's time, has been put into this to try to come to some agreement. What we have before us is the one problem area that we have said right along we could not bear with and that is the establishment, without really the study, without really looking into what the plan would include and it establishes a Department now. I've been cajoled and I've been asked to rethink this. I have never seen a Department put in place and easily taken away when it's done by statute.

I think the direction we had been going in, with everyone sitting down, working together, was a proper direction. We seem to have some agreement among the people who were there and then all of a sudden, this appeared with the Department written in. I cannot vote on this. I have to vote against this. I would ask you to please vote against this with me.

Senator GILL of Cumberland requested a Division.

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

Senator BUSTIN: Thank you, Mr. President.

Ladies and Gentlemen of the Senate, I have little energy, as I know most of you do, to speak on the floor at 1:35 in the morning of April 14, 1990. It

is utterly ridiculous that we have to do this on this particular Bill. There has been ample time in this session to have developed anything that would address the problem. What you have before you is the piece of legislation. It's what you have to vote on. It matters not what the words say. What matters is that you are finally addressing, doing something for children and families, doing something to coordinate services. This is an established procedure that was established, I believe, during the Curtis administration, when we started melding Departments together, when we did a whole reorganization of government.

What this does is simply provide you with a vehicle to come up with how you would transfer all of those services into one Department. Yes, it says, in law, that you establish the Department of Children and Families, but it also says that you don't vote on this again, to actually make the transfers until March of 1991. That's to give you the planning time that you need to make those transfers. You do not deliver any new services. You do not deliver any programs. That interim Commissioner does not do any of those things. All that interim Commissioner does is plan for that transfer, present those plans to the Legislature of the 115th and then the 115th will vote on that. That's when a new Department would actually come into being, not now. It is merely a vehicle. We're merely talking about semantics here. Let's get on with the business of serving children. Thank you.

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

Senator GILL: Mr. President, the good Senator from Kennebec, Senator Bustin, makes a case for the planning and the process and I can't understand for the world why we have to put into statute tonight that a Department will be established. Let's go through the planning process like we had planned. But, I don't understand why without the planning process, without all the investigation, without all of the looking at what services should be pulled together and where they should be housed, why we should talk about a Department. Everywhere we were going with this Bill, all of the long negotiations, and there were many, were leading towards developing a plan before the structure was put into place. We didn't know what kind of structure was needed and it was going to give us an opportunity to do it. Here, we're putting tonight, in statute, the Department, the Commissioner, without knowing what is going into that area, whether we really need a Department. So, I would ask you to vote against the Bill.

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

Senator BUSTIN: Thank you, Mr. President. I was always taught that the shortest distance between two points is a straight line. I was always taught that in order to get somewhere fast, you set a goal. The goal is serving children. The straight line is a Department. That's what we want. That's what we're saying in law and now we're planning for it. We have cut out everything else, but that straight line. We're saying our goal is to have a Department of Children. We're putting it in statute and now we're planning for it.

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

Senator BOST: Mr. President, Men and Women of the Senate, I have remained quiet on this Bill until tonight or this morning, until I heard the remarks from the lady from Cumberland, Senator Gill, who has made a case that we should not establish a Department and then fill in the holes. As a member of the Joint Standing Committee on Education, she, along with the

other members of that Committee, advocated just that, with the transfer of authority of student financial aid programs from the Department of Education to the Finance Authority of Maine, setting up an interim advisory committee to do exactly what the good Senator is criticizing proponents of this legislation for doing this morning. I think that the precedent has clearly been set. I think that this is a reasonable and responsible measure and I would urge this Senate to go along with the motion from Senator Bustin.

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

Senator CLARK: Thank you, Mr. President. I would urge all of you to set aside your personal preferences with reference to the long negotiations that have occurred on this issue. I commend all of those people who made meaningful contributions to the process, but I would express only my absolute sincere and total amazement following the last meeting, as I understand it to be, yesterday, in the Legislative Council Chambers, when a number of people, representing a number of interests, all sincerely met together to review, what was purportedly to be, the final version of a carefully crafted negotiated compromise.

My reaction was that it was essentially bringing together a group that we called a number of names and finally landed on the word "commission." Thirty-one people, with a funding mechanism that was enviable, and their task was to decide if, well, maybe, or maybe we will, develop something that will provide for an effective, efficient, coordinated means of addressing the needs of children and families in the state. Then, they would report back to us of their decision and perhaps, even, a structure that would support their decision, if, in fact, they made one.

Most of that compromise is contained in the measure before us this morning. But the essential questions before us at this time are, will this legislation in its amended form provide a design concept to more effectively help children and the answer is yes. Will this legislation allow consideration of design options other than a Department? The answer is consistently yes. Will this legislation before us preserve the powers of the Governor to manage and appoint? The answer is yes, certainly, yes. Lastly, will this legislation require presentation of a plan to the Governor and the Legislature for approval or disapproval before any reorganization takes place? The answer, too, is yes. The answer to all of these questions is yes.

So, if we, in this morning, adopt this Bill, it will be time for the highest level of statesmanship in Maine, time for all of us to have an opportunity to decide if the words and the text of the Bill fulfill the criteria we understand are essential to a compromise for Maine children. We really don't have a choice. If we're going to bring this number of people together and indeed, I hope we do, it's important that they have a task and a structure, a goal and/or objective for meeting, not just to meet, to process and to make everyone feel good that the process is working, that everyone makes a meaningful contribution, but a process where a product will be resulted from the charge that they have received.

The charge is a Department of Children, or something resembling that charge, and the Legislature and the Governor would deliberate on it in the upcoming 115th. Certainly, the children of this state deserve no less. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion to RECEDE and CONCUR .

A vote of Yes will be in favor to RECEDE and CONCUR.

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, BALDACCIO, BOST, BRANNIGAN, BUSTIN, CLARK, DUTREMBLE, ERWIN, ESTES, ESTY, GAUVREAU, HOBBS, KANY, MATTHEWS, PEARSON, THERIAULT, TITCOMB, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY

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

ABSENT: Senator BERUBE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by the Chair, to RECEDE and CONCUR, PREVAILED.

PAPERS FROM THE HOUSE

Joint Orders

The Following Joint Resolution: H.P. 1836
JOINT RESOLUTION CALLING UPON THE GOVERNOR OF MAINE TO CALL A SPECIAL SESSION OF THE LEGISLATURE AFTER JULY 1, 1990, IF STATE REVENUES FOR FISCAL YEAR 1990 ARE LESS THAN THE REVENUE PROJECTIONS FOR 1990
WE, the members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, respectfully present and petition the Governor of the State of Maine, as follows:

WHEREAS, the State of Maine is in the midst of the worst budget crisis in the history of the State; and

WHEREAS, for the first time in nearly two decades, current revenues are less than the revenues in the previous fiscal year; and

WHEREAS, the Governor has revised his revenue projections at least four times; and

WHEREAS, the Governor projects 6% growth in total General Fund revenues for fiscal year 1991, which is based on a significant improvement in the Maine economy that many economists do not accept; and

WHEREAS, the administration, to solve the current crisis, has used the \$163,000,000 carry forward from the previous biennium and has obligated between \$300,000,000 and \$400,000,000 for the next biennium, and by using one-time revenue sources that will not be available in the future; and

WHEREAS, the Governor has proposed to increase state revenues by such revenue enhancers as Lotto*America, increased federal funding and a tax amnesty program that are based on many questionable assumptions with respect to levels of income; and

WHEREAS, the executive branch possesses the sole authority to project revenues for State Government; and

WHEREAS, the failure of state revenues in 1990 to keep pace with the revenues of the previous fiscal year may indicate a very serious financial condition for the State that will need immediate attention; and

WHEREAS, the Governor possesses the authority to issue a fiscal order, making cuts across State Government without consultation with the Legislature; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the State of Maine, respectfully request the Governor to call a Special

Session of the Legislature to be held no later than September 15, 1990, if state revenues for fiscal year 1990 fail to meet the administration's latest revenue projections; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Governor of the State of Maine.

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

At the request of Senator CAHILL of Sagadahoc, a Division was had. 19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the Joint Resolution was ADOPTED, in concurrence.

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

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

RECALLED FROM THE GOVERNOR'S DESK

On motion by Senator PEARSON of Penobscot, the Senate RECONSIDERED whereby it PASSED TO BE ENACTED.

An Act to Establish Certain Positions within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Labor Relations Act

H.P. 1380 L.D. 1911
(H "A" H-849 to C "A"
H-819)

(In Senate, April 13, 1990, PASSED TO BE ENACTED, in concurrence.)

(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 1012, in concurrence.)

On further motion by same Senator, Tabled Until Later in Today's Session, pending ENACTMENT.

RECALLED FROM LEGISLATIVE FILES

On motion by Senator HOBBS of York, the Senate RECONSIDERED whereby it INDEFINITELY POSTPONED in NON-CONCURRENCE:

Bill "An Act to Implement the Recommendations of the Court Jurisdiction Study"

H.P. 1682 L.D. 2328
(C "A" H-1077)

(In Senate, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1077), in concurrence.)

(In House, April 6, 1990, PASSED TO BE ENACTED.)
(In Senate, April 13, 1990, Bill and Accompanying Papers INDEFINITELY POSTPONED, in NON-CONCURRENCE.)

(In House, April 13, 1990, that Body RECEDED and CONCURRED.)

(RECALLED from the Legislative Files, pursuant to Joint Order S.P. 1013, in concurrence.)

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

On further motion by same Senator, the Senate RECONSIDERED whereby the Bill was PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1077).

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

On further motion by same Senator, the Senate RECONSIDERED whereby Committee Amendment "A" (H-1077) was ADOPTED.

On further motion by same Senator, Committee Amendment "A" (H-1077) was INDEFINITELY POSTPONED.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate, it is obviously late. I'd like to know where we're going with this and what this intent is of the good Senator from York.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, there was an error made by the person who prepared the fiscal note. They just simply removed the wrong thing and this is an attempt to correct it. It was done in haste in our Committee and consequently, there was a miscombobulation and it's really just removing the fiscal note.

On motion by Senator HOBBS of York, Senate Amendment "A" (S-744) READ and ADOPTED.

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

Under suspension of the Rules, ordered sent down forthwith 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 Amend and Improve the Education Laws of Maine

S.P. 830 L.D. 2138
(H "A" H-1134 to C "A"
S-534)

An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates

S.P. 1004 L.D. 2492

An Act to Establish Designated Positions Within the Department of Mental Health and Mental Retardation as Unclassified State Positions Subject to the State Employees Relations Act

H.P. 1841 L.D. 2512

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

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

ORDERS OF THE DAY

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

An Act to Implement Certain Recommendations of a Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs

H.P. 1755 L.D. 2418
(C "A" H-1127)

Tabled - April 13, 1990, by Senator GILL of Cumberland.

Pending - ENACTMENT (Division requested.)
(In House, April 13, 1990, PASSED TO BE ENACTED.)
(In Senate, April 13, 1990, PASSED TO BE ENGROSSED AS AMENDED, in concurrence.)

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

Senator CAHILL: Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is L.D. 2418, which would implement the recommendations of the sub-committee on Appropriations and Financial Affairs. It contains the language that I was concerned about which would make a Commissioner of state government, an agency head or agent or officer

or employee of the state personally liable in certain circumstances. I would ask that you vote no on enactment and I would request a Division.

On motion by Senator PEARSON of Penobscot, the Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

Off Record Remarks

On motion by Senator KANY of Kennebec, 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

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

H.P. 1779 L.D. 2446
(C "A" H-1062)

In House, April 5, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062).

In Senate, April 13, 1990, RECEDED and CONCURRED. Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1135) in NON-CONCURRENCE.

Senator KANY of Kennebec moved to RECEDE and CONCUR.

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

The same Senator moved that the Senate RECEDE from ADOPTION of Committee Amendment "A" (H-1062).

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

Senator KANY: Thank you. Mr. President, I request a Division on the pending motion and I ask to speak to the motion. I ask you to reject the motion for adoption of the amendment that is being offered by the good Senator from Franklin, Senator Webster...

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The Chair would advise the Senator that the pending motion is the motion to recede from adoption of Committee Amendment "A".

Senator KANY of Kennebec requested and received Leave of the Senate to withdraw her request for a Division.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED from ADOPTION of Committee Amendment "A" (H-1062).

The same Senator moved that Committee Amendment "A" (H-1062) be INDEFINITELY POSTPONED.

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

Senator KANY: Thank you, Mr. President. I request a Division and I ask the Senate to join me in rejecting the motion before us. I hope that we can end up receding and concurring and get on with our evening and leave. The Bill, with its amendment on it, would allow all parties to come to a conclusion. We, in the state of Maine, would benefit greatly by having wonderful land available to us. I ask you to reject the motion before us.

Senator KANY of Kennebec requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate, as is obvious, I am trying to position this Bill so that we may add an amendment. If you would like to vote against the amendment when the time comes, obviously, that's your option. But, I would like to position this Bill so I could offer an amendment which, I believe, is acceptable to everyone, all the parties involved. That's my understanding. So, I would like to have the courtesy of offering the amendment and then, I will be happy to discuss the amendment with you at that time. The motion is to indefinitely postpone Committee Amendment "A" and I would hope you would do that so that I may offer an amendment later. We could recede and concur later if my amendment does not succeed. Thank you.

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

Senator KANY: Mr. President and Members of the Senate, the Bill, with its attached paper, as it came to us, was acceptable and is acceptable to the Executive Branch, Scott Paper and any other necessary party to an agreement. So, I do hope you reject the pending motion and go along with the Bill as it as amended.

THE PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Kany, that the indefinite postponement of Committee Amendment "A" would put us closer, would put her closer, to her goal to be in concurrence, since the version from the House does not have Committee Amendment "A".

Senator KANY of Kennebec requested and received Leave of the Senate to withdraw her request for a Division.

On motion by Senator WEBSTER of Franklin, Committee Amendment "A" (H-1062) INDEFINITELY POSTPONED in NON-CONCURRENCE.

House Amendment "B" (H-1135) READ.

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

Senator KANY: Is the motion to recede and concur in order?

THE PRESIDENT: The Chair would advise the Senator that we have already receded.

Senator KANY of Kennebec moved that the Senate CONCUR.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Mr. President, Ladies and Gentlemen of the Senate, I would like to be in a position to offer an amendment which you could accept or reject based on whatever you think is appropriate. I have an amendment which I believe, and other members of this Body believe, is acceptable to others outside of this Body. I would ask you to reject the concur motion so that I could continue to offer the amendment or Mr. President, could I offer the amendment now, is that appropriate?...

THE PRESIDENT: The Chair would answer in the negative. The same Senator has the floor.

Senator WEBSTER: ...Mr. President, I would hope the Members of this Body would give me the courtesy to at least offer the Amendment so I would ask you to vote against the motion to concur.

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

Senator DILLENBACK: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I know it's late and we're all a little confused here, but it seems to me that if, and I put this as a question, if we concur with the House, we've got a Bill. It becomes law, in effect, because they have agreed to Amendment "B" (H-1135). Is that correct or isn't it correct?

The President requested the Assistant Sergeant-at-Arms escort the Senator from Cumberland, Senator CLARK to the rostrum where she assumed the duties as 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 Kany.

Senator KANY: Thank you, Madam President and Members of the Senate, the good Senator from Cumberland, Senator Dillenback is exactly correct. If you go along with the concur motion, you will have an agreement and we would be giving the people of Maine two great gifts. One would be this marvelous, wonderful land and second, would be the gift of the Maine Legislature going home a little bit earlier.

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

Senator PRAY: Thank you very much, Madam President. Ladies and Gentlemen of the Senate, obviously, the question asked by the good Senator from Cumberland, Senator Dillenback, as well as the answer by the good Senator from Kennebec, Senator Kany, I believe, at least in my own opinion, leaves a fair amount of opportunity for interpretation as to do we have a Bill, if we concur? Or do we have a Bill if we recede and let the good Senator from Franklin, Senator Webster, offer his amendment? I believe in either instance, you could have a Bill.

Let me just share with you, very briefly, in an attempt to be very brief, that for the past couple of days, we have attempted, probably through my office and my staff, to attempt to work out some of the concerns and difficulties that some of us have with the proposals before us. We have labored in good faith and the good Senator from Kennebec, Senator Kany, has assisted in doing that, in getting the Department over here and other representatives to sit down and talk with us as we attempt to solve, what we consider to be, some serious difficulties with this proposal that's before us.

The good Senator from Franklin, Senator Webster, has a proposal here which interestingly has, at one time, the last sentence in the amendment, the genesis of which came from those who had problems elsewhere in this political process that would require the passage of this Bill. As a matter of fact, this elsewhere place also had a similar amendment printed but was never offered. For some reason, that I don't know about, all of a sudden, it wasn't offered. Those people who were not yet involved in the negotiations have been somewhat holding this Bill to an our version and our version only philosophy, while we who have attempted to mediate and attempted to resolve the differences have labored through a number of hours of trying to come up with something that would resolve it because we also think that this is an important gift to the State of Maine, to the people of our state. It is something that we should work out, those differences in past. That's why we have continued to try to resolve it.

The proposal, I think, that the good Senator from Franklin, Senator Webster, wants to have an opportunity to offer, takes care of the concerns that we had in the amendment. As you may remember, I spelled out three areas of concern that I had, the price that we were paying for the land, which I've kind of let go by the wayside, the question of entering into litigations that are taking place.

It's interesting, there is a court case and you read the title of the Bill, not only is it an Act, or Resolve, authorizing the conveyance of certain public lands and the settlement of a boundary line dispute involving public lands. One, it doesn't involve public lands unless this Act passes, so we're interfering into a court case. We're going to take sides in a court case. We attempted to work out that type of language to make sure that it was perfectly understood we weren't involved in the court case.

The other language that we found offensive and we've been attempting to resolve, is the question of public access and not even public access. The verbage was public use. The general public was prohibited from use of segments of this land we were purchasing with taxpayers dollars. We have attempted on several occasions, through different verbage, to work out some type of language that would not prohibit total public use of this land and would not, at the same time, advocate that public access would create possession of that land, that there still could be some type of control over the landowners to this land, that they could limit use so that you wouldn't have the area wide openly used for vehicle access or other types of access but it could be some type of parameter set up on that.

This amendment is a good faith amendment. If the good Senator from Franklin, Senator Webster, gets the opportunity to offer, and I think we, in this Chamber, can be just as proud that we are attempting to resolve and to provide this state with the gifts. As a matter of fact, if it hadn't been for the situation that we put in earlier this week, we might have been home by now, because, obviously, this isn't the last proposal we're going to see here this evening. But, we have attempted from the very beginning to be rather adamant about our position, and we have, at least, shown some tendencies to make movement to that middle ground while we have not seen that same offering from the other side. I would hope that we would vote against concurring and provide the Senator from Franklin, Senator Webster, with an opportunity to present his amendment.

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

Senator KANY: Madam President and Members of the Senate, sorry to be debating at this hour of the morning. It's none of our choices, but that's the way it is.

I would like to speak to the points raised by our good Senate President from Penobscot County and Senator Pray mentioned three problems that he had. They were addressed, I believe, adequately, in the amendment which is attached to the Bill now and which the concur motion would assure ends up in an agreement. Number one, the language is such that public use of these roadways is governed by the guarantors policy of use of its roadways by the general public. Number two, an option would be required that if that land of which would provide access were to be sold, the state would have the first option to purchase the right-of-way. And then, third, and finally, in the Statement of Fact, is this language, "it is the intent of the Legislature that this Resolve and Exhibit C not affect any pending litigation concerning any right-of-way or right of access to the so-called Pavillion Lot." I urge you to go along with the pending motion.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Madam President, Ladies and Gentlemen of the Senate, I would only like to say, at this point in the evening, that I would appreciate the opportunity and would feel that this Body ought to give me the privilege to air my amendment and what it does. A vote to concur, at this time, does not even give me the ability to explain to you the amendment I offer and why I think it is important. For that reason, I think I ought to be given the courtesy to offer that amendment and I would ask you to vote against concurring.

Senator KANY: Madam President, just to speed this process along, I will withdraw my request for the Roll Call and will allow the Senator to offer his amendment so he can speak to it.

Senator KANY of Kennebec requested and received Leave of the Senate to withdraw her motion for a Roll Call.

The same Senator requested and received Leave of the Senate to withdraw her motion to CONCUR.

On motion by Senator WEBSTER of Franklin, Senate Amendment "A" (S-746) to House Amendment "B" (H-1135) READ.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Yesterday, several hours ago, I offered an amendment and the amendment I offered, and was accepted by this Body, dealt with public access, subject to restrictions from the landowner. As I stated then, if the landowner decided, for whatever reason, they wanted to impose that you couldn't drive on their land, that you could only go there certain days, that would be something they would be allowed to do.

There has been some objection or some concern raised that that wasn't quite enough, so we have agreed to add an additional sentence to the Bill which states, "this public access does not create adverse possession." Senator Hobbins and Senator Gauvreau and other members of the legal profession from Androscoggin and from York, would know what that means, I don't. Basically what it means is that if you travel across this land for thirty years it doesn't give you any right to do it if somebody, somewhere along the line says that it's improper and you can't do it.

For that reason, I believe this addresses the concerns of this Senate which are concerns, perhaps, that are different than outside this Body. But, I believe this is a reasonable compromise and I believe it is acceptable to the people I've talked to and for that reason I would ask you to accept this Amendment. Thank you.

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

Senator DILLENBACK: Thank you, Madam President, Ladies and Gentlemen of the Senate, it is getting late. There's really nothing wrong with this amendment, as far as adverse possession goes. I know I talked to the lawyers who were concerned that the amendment it was on before created an easement. Adverse possession is something, as stated by the Senator, that if it's used over a period of time, but the thing that confuses me is that people have probably been walking over these roads and trails that are there for the last fifty or hundred years. If there's any adverse possession, they've already got it. But, if this satisfies the people, there's nothing wrong with it, if they will accept and I don't know whether they'll accept it. That's the problem.

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

Senator KANY: I request a Division and I hope you vote against the pending motion so that we can conclude this.

At the request of Senator KANY of Kennebec, a Division was had. 17 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator WEBSTER of Franklin to ADOPT Senate Amendment "A" (S-746) to House Amendment "B" (H-1135), FAILED.

On motion by Senator KANY of Kennebec, the Senate CONCURRED.

Senator PRAY of Penobscot moved to RECONSIDER whereby the Senate CONCURRED.

Senator KANY of Kennebec requested a Division. THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator PRAY.

Senator PRAY: Thank you very much, Madam President. Ladies and Gentlemen of the Senate, again, I apologize due to the lateness of the hour, but my understanding is we'll be here for sometime waiting for medical malpractice which has been close to two hours of debate somewhere else. So, I thought I'd just share with you a little bit since the good Senator from Franklin, Senator Webster, and I have been attempting to resolve this particular issue and interestingly, while I recognize that, obviously, there is the interpretation and the belief by many in this state that the wild lands, the so-called unorganized territories, belong to everybody and obviously, the waterways of this state, such as Moosehead Lake and other waterways belong to everybody. That is a philosophy, to some degree, I believe in. To some degree, obviously, because we do have landowners that own those lands, but also, more importantly, is the fact that this particular area that we're talking about, the land happens to lie basically, in my legislative district.

I feel like the proverbial legislator who is perplexed as to how to vote on an issue because half of my constituents are for it and half of my constituents are against it, so obviously, it puts me to, some degree, in a difficult position. The good Senator from Franklin, Senator Webster's district borders mine to the West, my district, the eastern side of his district, which includes the western shore of Moosehead Lake. The land that is basically in question, the Day Academy, is on the eastern shore, along with a number of the other areas that are being traded off here lie in the good Senator from Franklin, Senator Webster's district.

So, obviously, as each and every one of you would, to some degree, become concerned when it affected your legislative districts, you'd have a great deal of interest and would not necessarily want to let something go. For that reason, I apologize to continue to discuss this issue, but I do think that it's a significantly important enough issue, at least from the perspective of my constituents who, probably in the Greenville area, a vast majority of them would love to see the land transaction go through. I have a number of constituents who are also very concerned about the way the state has been handling its public lands and I think that I also have to agree with them somewhat.

But, I think, more importantly, is the fact that we protect and preserve this land. So, from the beginning, my intent is not to kill this Bill. It's not to see this particular proposal go, but I think it's important, at least from my own perspective, that I try to put it into the very best position that we can, that it be most advantageous to the people of the state of Maine. For that, I can appreciate the perspective that many of you have, in the fears that by adopting different proposals that the transaction

may not survive the process and thus, we sometimes lose opportunities to present alternative proposals, but that's a right that each and every one of us obviously has.

Such a close vote, a vote that fails adoption based upon a tie vote, I'd like to attempt to give it an additional consideration, at least, in thought, both from the personal, parochial perspective of the fact that the land lies in our area of the state and second of all, that I think that it's important, that at some point in time we start discussing this policy the state of Maine has on paying exorbitant prices for land because there's such a desire to obtain land.

A constituent in my District, who happens to be a realtor, I apologize, I may have spoke about this the last time we debated it, but I don't recall, so I just want to share with you that this realtor was attempting to sell some land at \$250 an acre. He was unable to do so, but he did sell it for \$185 an acre and within six months after having sold it, the state bought it for a little less than \$600 an acre in the name of purchasing of land to obtain for the public. Obviously, we must suspect the public got a good deal out of that because we verified that land transaction. Obviously, I think there's been some miscarriage of public trust here through this process.

This land is extremely valuable land to us who desire to set aside land. To the paper industry it is not valuable land. They've already cut it. Some would say they've already raped it. Some would say that they have left very little there for the public to enjoy, but forty or fifty years from now, the forest will be back. It will be again an attractive piece of land and we'll have it for future generations. The land that we're trading off, the 19,000 acres we're trading off in exchange for this 9,000 acres that we're picking up, almost 10,000 more than we're getting, is land that can be forested and harvested. We're going to give that to the paper industry. That is valuable to them. In exchange for that, having ignored the fact that we're doing that type of transaction, the issue becomes now more complex to some as to the question of does the public have access to this land we're spending tax dollars for?

I would hope that we would reconsider whereby we had concurred and I would hope someone on the prevailing side of Senate Amendment "A" to House Amendment "B" would consider reconsidering that so that we could take a proper action, at least from my parochial perspective of representing that geographical district. Thank you.

Senator KANY of Kennebec requested a Roll Call.

Senator KANY of Kennebec requested and received Leave of the Senate to withdraw her request for a Roll Call.

At the request of Senator KANY of Kennebec, a Division was had. 20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator PRAY of Penobscot, to RECONSIDER, PREVAILED.

On motion by Senator DUTREMBLE of York, the Senate RECONSIDERED whereby it FAILED to ADOPT Senate Amendment "A" (S-746) to House Amendment "B" (H-1135).

Senate Amendment "A" (S-746) to House Amendment "B" (H-1135) ADOPTED.

House Amendment "B" (H-1135) as Amended by Senate Amendment "A" (S-746) thereto, ADOPTED in NON-CONCURRENCE.

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

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

On motion by Senator DUTREMBLE of York, 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

House Papers

Bill "An Act to Establish the Rural Medical Access Program, the 5-year Medical Liability Demonstration Project, Revise the Rules Regarding Collateral Sources and the Discovery Rule In Medical Liability Cases Without Imposing Caps On Damages"

H.P. 1842 L.D. 2513

Committee on JUDICIARY 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.

On motion by Senator WHITMORE of Androscoggin, Senate Amendment "A" (S-745) READ.

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

Senator WHITMORE: Thank you, Mr. President. Ladies and Gentlemen of the Senate, it's now 3:45, if you need a reminder. The amendment which I have offered is a cap on non-economic damages. I'm not going to delay this thing. We debated it in pretty good length the other day. Suffice it to say, that I think you all know what it does. I'm just going to read the Statement of Fact to you, to save my rambling and we'll go from there. "This amendment establishes a cap of \$250,000 on non-economic damages in medical malpractice liability actions and adds a savings from this cap to the formula for calculating assessments for the physician premium assistance. The amendment also requires that the rural medical access fund be funded in an amount of at least \$500,000 but not more than \$1 million. The effective date of the fund has changed from July 1, 1990 to September 1, 1991, by this amendment."

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

Senator CLARK: Thank you, Mr. President. I would pose a question through the Chair. Is the amendment offered by the good Senator from Androscoggin, Senator Whitmore, Senate Amendment "A" to L.D. 2513 under filing number S-745 germane to the Bill?

THE PRESIDENT: The Senator from Cumberland, Senator Clark, has inquired as to whether Senate Amendment "A" (S-745) is germane. It is in the opinion of the Chair that Senate Amendment "A" is not germane to the Bill based upon the limitation of the title of the Bill prohibiting caps.

The Chair RULED Senate Amendment "A" (S-745) NOT GERMANE.

Which was PASSED TO BE ENGROSSED, as Amended, without reference to a Committee, and ORDERED PRINTED, in concurrence.

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

ORDERS OF THE DAY

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

An Act to Establish Certain Positions within the Department of Mental Health and Mental Retardation as

Unclassified State Positions Subject to the State Employees Labor Relations Act

H.P. 1380 L.D. 1911
(H "A" H-849 to C "A"
H-819)

Tabled - April 14, 1990, by Senator PEARSON of Penobscot.

Pending - ENACTMENT.
(RECALLED from the Governor's Desk, pursuant to Joint Order S.P. 1012, in concurrence.)
(In Senate, April 13, 1990, RECONSIDERED ENACTMENT.)

Which was INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

JOINT ORDER - regarding the Joint Standing Committee on Appropriations and Financial Affairs report out such legislation as it determines necessary to increase the borrowing authority of the University of Maine System.

H.P. 1834

Tabled - April 13, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE
(In House, April 12, 1990, READ and PASSED.)
(In Senate, April 12, 1990, READ.)
Senator PEARSON of Penobscot moved the INDEFINITE POSTPONEMENT of the Joint Order.

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

Senator GAUVREAU: Thank you, Mr. President. The hour is late. We are all tired. I do want to address the Body briefly and to voice my opposition for the pending motion so that we can go on to adopt this Joint Order.

My support relates to my support that we increase the borrowing authority of the University of Maine system from the current cap of \$18 million to \$24 million and I will limit my remarks to the situation in my district, at the University of Maine College at Lewiston-Auburn. As you may be aware, when the University of Maine project commenced in Lewiston, two years ago, the University leased out space in our community. An advisory group to the University has strongly recommended that the University purchase the current facility in Lewiston and thereby would realize significant savings in the long term.

Specifically, we are paying approximately \$900,000 a year to lease the facility in Lewiston. Were we to purchase the facility outright, we would realize savings to the University of Maine system in the order of \$260,000 a year. Now over the 15 year immunization schedule for a bond issue to purchase the University of Maine facility in Lewiston-Auburn, the cost would be \$5.2 million in principle and if one includes financing costs, we're looking at a total expenditure of around \$8.6 million. Contrast that, if you will, to the total payout under the current leaseholder arrangement that will be in the area of \$13.9 million.

So, for that point of view, and for that point of view alone, I would recommend that we defeat the pending motion so that we can go on to approve the Joint Order. This would realize a savings in excess of \$5 million for the Lewiston project alone, that, in a time when we are facing significant financial shortfalls in our state. It's appropriate that we use this method available to us so that those funds

can go toward the University of Maine system. Thank you.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, we had before us last year and in Appropriations and Financial Affairs, a request by the University for bonding authority. As you know, as you've gone through life, you've seen a number of times on the ballots in the state, bond issues for the University. They really don't want to do that anymore. They want to bond without going out to the public.

So, we had long discussions with them about bonding and the obligation of the state. We are very careful about how many bonds we put out that are obligating the state. The Governor, this year, you understand, I think, limited the amount because of what we're retiring and what we want to float and all that kind of thing. The University was very emphatic with us last year. We're going to ask you only for revenue bonds. They hired a fellow that used to work over here in the Attorney General's office who was some kind of an expert on bonding, Mr. LaRouche, I think his name was. He came and said not to fear, not to concern yourself. We're only going to deal with revenue bonds and those are going to be paid by the students or parking fees or whatever.

So, we authorized an \$18 million cap, no obligation to the state. We didn't have to take it into account. This year they came and they said to us, they want to up the limit of their bond issue. We listened to the pitch and everything. After they left, it dawned on us, they forgot to tell us, these weren't revenue bonds anymore. These were general obligation bonds. And they want the cap to go up and go up and go up.

We want to have time to think about that. We want to have some kind of a plan. You know, it was just kind of like slipping in through the door and not telling us the whole story at the time. If we're really going to be honest about it, we'd have to take all of the bonds that we just did today and add theirs to them because we're obligated for them. You can make a case, as Senator Gauvreau did, and understand that the Order is for us to meet and report out a Bill. You can make a case for bonding. The University, it's strange dealing with them sometimes because, you know, you don't even know if they're going to bond all their cars or anything. So, we would prefer, because it does impact on the state's credit rating and everything, to think this one through real carefully and maybe do it next year.

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

Senator COLLINS: Mr. President and Members of the Senate, I am not exactly sure that this proposal is truly a bonding proposal. It does provide for an increase in the borrowing capacity of the University and I'm sure the good Senator from Penobscot, Senator Pearson, knows more about this matter than I do, but I am persuaded by the evidence that it is desirable for us to do this.

As the good Senator from Androscoggin has pointed out, at the present time, the University is paying yearly lease payments of \$781,000 plus taxes and insurance of about \$80,000 so they have a current annual expense of \$861,000. If you borrowed the money for fifteen years at 8%, which would be about the level the University could expect on a tax exempt, you would, in fact, reduce your payment on a yearly basis and effectively save \$265,000 a year. It seems to me that makes awful good business sense.

I do appreciate the fact that the Appropriations Committee does guard zealously the bonding authority and I can appreciate their concern, but it seems to me, in light of the circumstances at Lewiston-Auburn, that it would be extremely desirable for the Appropriations Committee to permit this increase in the cap. It would really save a lot of money for the University and since this Legislature, the State of Maine, provides a substantial amount of that money, it would be a true saving, not only to the University, but, as the years roll out, to people of the state of Maine. So, I would urge you to vote against the motion. Thank you, Mr. President.

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

Senator PEARSON: Mr. President, the good Senator from Aroostook, Senator Collins, said that he didn't know if this was bonds or not that they were talking about. They are talking about bonds, that's what they told us. Bonds, general obligation bonds, up the debt limit of the state. That's what they're talking about.

The Chair ordered a Division. 12 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator PEARSON of Penobscot, to INDEFINITELY POSTPONE, FAILED.

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

Senator PEARSON: Mr. President, the Order calls for the Appropriations Committee to report out a Bill dealing with bonds, bonding indebtedness for the University. I would tell you that if this passes I will attempt to gather the group together to meet on the issue and try to decide it tonight, but I would hope that you would allow us to look at this issue, or whoever is back, in the 115th Maine Legislature.

Which was PASSED, in concurrence.

Off Record Remarks

Senator DUTREMBLE of York moved the Senate RECONSIDER PASSAGE.

At the request of Senator GAUVREAU of Androscoggin, a Division was had. 18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator DUTREMBLE of York to RECONSIDER PASSAGE, PREVAILED.

Senator DUTREMBLE of York moved the INDEFINITE POSTPONEMENT of the Joint Order.

At the request of Senator GAUVREAU of Androscoggin, a Division was had. 18 senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator DUTREMBLE of York to INDEFINITELY POSTPONE, PREVAILED in NON-CONCURRENCE.

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

On motion by Senator ANDREWS 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:

ENACTORS

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

An Act to Establish the Rural Medical Access Program, the 5-year Medical Liability Demonstration

Project, Revise the Rules Regarding Collateral Sources and the Discovery Rule In Medical Liability Cases Without Imposing Caps On Damages

H.P. 1842 L.D. 2513

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 1779 L.D. 2446

(S "A" S-746 to H "B"

H-1135)

In House, April 13, 1990, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1135) in NON-CONCURRENCE.

In Senate, April 13, 1990, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-1135) AS AMENDED BY SENATE AMENDMENT "A" (S-746) thereto, in NON-CONCURRENCE.

Comes from the House, that Body ADHERED.

The Senate ADHERED.

On motion by Senator KANY of Kennebec, the Senate RECONSIDERED whereby it ADHERED.

The same Senator moved to RECEDE and CONCUR.

The Chair ordered a Division. 18 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator KANY of Kennebec to RECEDE and CONCUR, PREVAILED.

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Provide for a Job Development Training Funding Capability within the Resources of the State Contingent Account" (Emergency)

S.P. 769 L.D. 1994

(S "B" S-743; H "A"

H-1132 to C "A" H-707)

In Senate, April 13, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707).

In House, April 13, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707) AS AMENDED BY HOUSE AMENDMENT "A" (H-1132) thereto, in NON-CONCURRENCE.

In Senate, April 13, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707) AS AMENDED BY HOUSE AMENDMENT "A" (H-1132) AND SENATE AMENDMENT "B" (S-743) thereto, in NON-CONCURRENCE.

Comes from the House, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707) AS AMENDED BY HOUSE AMENDMENT "B" (H-1140) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

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

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:

COMMUNICATION

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 13, 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 indefinitely postponed Bill "An Act
to Establish a Five-year Medical Liability
Demonstration Project" (S.P. 782) (L.D. 2023).

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

Which was READ AND ORDERED PLACED ON FILE.

Under suspension of the Rules, all matters thus
acted upon were ordered sent down forthwith 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 Implement the Recommendations of the
Court Jurisdiction Study

H.P. 1682 L.D. 2328
(S "A" S-744)

Which 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:

An Act to Establish the Department of Child and
Family Services

H.P. 1199 L.D. 1666
(H "A" H-1130)

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and
Unassigned matter:

HOUSE REPORT - from the Committee on AGRICULTURE
on Bill "An Act to Promote the Marketing of Fresh
Produce Grown within the State"

H.P. 1460 L.D. 2037

REPORT - Ought to Pass as Amended by Committee
Amendment "A" (H-773).

Tabled - February 20, 1990, by Senator CLARK of
Cumberland.

Pending - ACCEPTANCE, in concurrence

(In Senate, February 20, 1990, Report READ.)
(In House, February 16, 1990, PASSED TO BE
ENGIROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"
(H-773).)

On motion by Senator CLARK of Cumberland, the
Bill and Accompanying Papers INDEFINITELY POSTPONED
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:

Emergency

An Act to Provide for a Job Development Training
Funding Capability within the Resources of the State
Contingent Account

S.P. 769 L.D. 1994
(H "B" H-1140 to C "A"
S-707)

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:

Resolve

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

H.P. 1779 L.D. 2446
(H "B" H-1135)

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

At this point, a message was received from the
House of Representatives, borne by Representative
GWADOSKY of Fairfield, informing the Senate that the
House had transacted all business before it and was
ready to Adjourn, without Day.

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

ORDERS

SENATE ORDERS

On motion by Senator CLARK of Cumberland, the
following Senate Order:

ORDERED, that a message be sent to His
Excellency, the Governor, John R. McKernan, Jr.,
informing him that the Senate has transacted all
business which has come before it and is ready to
Adjourn Without Day, and extend an invitation to him
to make such communication as pleases him.

Which was READ and PASSED.

The President appointed the Senator from
Cumberland, Senator CLARK to deliver the message to
the Governor.

Subsequently, the Senator from Cumberland,
Senator CLARK reported that she had delivered the
message with which she was charged.

On motion by Senator DUTREMBLE of York, the following Senate Order:

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all business which has come before it and is ready to Adjourn Without Day.

Which was READ and PASSED.

The President appointed the Senator from York, Senator DUTREMBLE to deliver the message.

Subsequently, the Senator from York, Senator DUTREMBLE reported that he had delivered the message with which he was charged.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator BUSTIN: Thank you, Mr. President.

Ladies and Gentlemen of the Senate, I have heard many praises and many thanks given throughout this long and arduous 24 hours, almost. But, there are some people who have been neglected and I feel compelled to say something to those people and that's the leadership of this Body. I think that, for the first time in the ten years that I have been here, legislation has moved through this Body more smoothly and faster than I have ever seen it. That seems funny to say at 5:15 in the morning on April 14, 1990, but nevertheless, despite the lateness of the hour on this last day, it is entirely true that they have done what I consider a marvelous job in moving legislation and I thank you very much for the process this year.

Senator DUTREMBLE of York was granted unanimous consent to address the Senate on the Record.

Senator DUTREMBLE: You can have the rest of the day off.

THE PRESIDENT: The Chair would take this opportunity while we're waiting for the Governor to go to the House and then come to the Senate, as I was commenting earlier in reference to the staff and again to the non-partisan staff, on our completion today. In my sixteen years, it will be the first time that we have ever adjourned earlier than what we were scheduled to have adjourned. We will adjourn almost one week earlier than normal, than what we are usually required to adjourn and I have never been here that we have not extended so thus we will be two weeks ahead of normal, two weeks ahead of schedule.

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator BUSTIN: Thank you. On behalf of former Senator Paul Violette, I thank you.

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

At this time, His Excellency, Governor JOHN R. MCKERNAN, JR. entered the Senate Chamber amid applause, the Members rising.

THE HONORABLE JOHN R. MCKERNAN, JR.: Thank you very much. Mr. President and Honorable Members of the 114th Maine Senate, I can assure you that this is

ne speech that I have been eager to give. I also want you to know that I intend to prove tonight that I harbor no ill will from this session. I will be very brief. In fact, I have cut a page out of my speech for every hour you have gone past midnight.

But I do want to just say a couple of things, because when I addressed all of you in January, I outlined the challenges that I thought lay ahead for all of us. Like every other state in our region, we faced a situation that was manageable if addressed quickly, but, frankly, catastrophic, as we have seen in some other states, if left unresolved. While other states have been stymied by partisan political squabbling, we have accomplished the tasks at hand. I think that the people of our state are the ones who are going to benefit from the difficult decisions that have been made over the last few months.

It really is thanks to your efforts that Maine does have a balanced budget. Frankly, our state is also one of only two states in the Northeast which has not raised taxes to makeup for the declining revenues we have seen in this region of the country. I know that it has required us all to make sacrifices, but that is the essence of compromise. Despite the attention that has been focused, because of the enormity of our task, on our budget situation, we've also been able to make many long term investments in our state, whether it was Edwards Dam, whether it was clean rivers, domestic violence, whether it was the one-stop shopping for student financial aid or the new corrections bond issue or preserving access to our land for Maine citizens. I really want to commend all of you for having the political will to reach agreement on these very, very difficult issues.

To the members of the Appropriations Committee, Senator Pearson and Senator Brannigan and Senator Perkins, I want to especially thank you for working so tirelessly to hammer out a budget package during such difficult times. As the rest of your colleagues have just expressed, we all understand the hard work and the cooperation that was necessary in order to deal with a problem that has faced so many states and to do it in a way that was so much more effective than many of our neighboring states.

Edmund Burke once said, "all government, indeed, every virtue and every prudent act, is founded on compromise and barter." Well, that tradition is clearly alive in Maine. You have made the system work and I want to applaud, not only your diligence but your commitment to serving the people of our state. I want to congratulate all of you on a successful session and I want to just leave you with one final thought and that is, get some sleep before you try to drive home. Thank you very much.

The President requested the Sergeant-at-Arms escort the Senator from Hancock, Senator PERKINS, to the rostrum where he assumed the duties as President Pro Tem.

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

Senate called to Order by the President Pro Tem.

LEGISLATIVE RECORD – SENATE, APRIL 13, 1990

On motion by Senator EMERSON of Penobscot at 5:23 a.m. on Saturday, April 14, 1990, the Honorable THOMAS E. PERKINS, President Pro-Tem of the Senate, declared the Senate, of the 114th Legislature in Second Regular Session, ADJOURNED SINE DIE.