

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**  
**FIRST REGULAR SESSION**  
December 3, 1986 to May 22, 1987

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
 FIRST REGULAR SESSION  
 66th Legislative Day  
 Wednesday, May 13, 1987

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

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

The Journal of Tuesday, May 12, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Prohibit any Solid Waste or Hazardous Waste Dump within 5 Miles of any Municipal Water Supply or within One Mile of any Major River" (S.P. 409) (L.D. 1260)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Establish Capacity Controls on Commercial Solid Waste Disposal Facilities" (S.P. 423) (L.D. 1303)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Regarding the Regulation of Landfills and other Waste Disposal Facilities" (S.P. 430) (L.D. 1310)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Resolve, to Create a Commission to Study Special Education Programs (S.P. 333) (L.D. 988)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Support the Growth and Development of Community Big Brothers-Big Sisters Agencies and Other Similar Organizations" (S.P. 172) (L.D. 487)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Establish Local Consumer Mediation Programs Staffed by Volunteers" (S.P. 358) (L.D. 1093)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

COMMUNICATIONS

STATE OF MAINE

ONE HUNDRED AND THIRTEENTH LEGISLATURE  
 COMMITTEE ON AUDIT AND PROGRAM REVIEW

The following Communication:

May 1987

Members of the Legislative Council:

We are pleased to transmit to you the eighth annual report of the Joint Standing Committee on Audit & Program Review. This report contains our recommendations regarding the Department of Educational and Cultural Services, over 20 professional regulatory boards, and the delivery of state child welfare services in Maine.

In conducting the review, the goal of the Audit and Program Review Committee has been to improve state agency performance by increasing management and fiscal accountability, resolving complex issues, clarifying Legislative intent, saving General Fund

expenditures, making more efficient use of dedicated revenues, and increasing Legislative oversight. To accomplish its goal, the Committee has conducted extensive research, reviewed statutes and relevant data and statistics, considered comment and testimony from many individuals with direct experience in issues before the Committee, compared agencies under review to their counterparts in other states, and solicited extensive public input through surveys and questionnaires.

As in past years, our process has included members from other joint standing committees. The following legislators have been active participants who contributed their expertise to enrich and strengthen the review process:

- + Senator Edwin C. Randall, Joint Standing Committee on Education;
- + Representative Jean Deilert, Joint Standing Committee on Human Resources;
- + Representative James P. Handy, Joint Standing Committee on Education;
- + Representative Jo Anne Lapointe, Joint Standing Committee on Human Resources;
- + Representative Charlene B. Rydell, Joint Standing Committee on Banking and Insurance; and
- + Representative P. Kelley Simpson, Joint Standing Committee on Human Resources.

We would like to note that these reviews were initiated by the 112th Legislature and especially thank G. William Diamond who served as Senate chair, and the 112th Committee members not currently on the Committee. These included Senator Zachary Matthews, Senator Edwin Randall, Senator Pam Cahill, Representative Harold Macomber, Representative P. Kelley Simpson, and Representative Orland McPherson. We would also like to thank former adjunct members who included Representative Ada K. Brown, Representative Donnell Carroll, Representative Laurence Connolly, Representative James Handy, Representative Rita Melendy, and Representative Charlene Rydell.

A public hearing will now be held on each of the Committee's recommendations. We urge the full Legislature to consider these proposals carefully and we invite questions, comments, and input regarding any part of this report.

Finally, the absence of recommendations about a program does not necessarily mean that the Committee found that program to be operating at peak efficiency and effectiveness.

Sincerely,

S/Beverly M. Bustin  
 Senate Chair

S/Neil Rolde  
 House Chair

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Aging, Retirement and Veterans

Bill "An Act to Make Consistent the Federal Veterans' Reemployment Law" (H.P. 1136) (L.D. 1546) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Representatives McPHERSON of Eliot, HALE of Sanford, and Senator USHER of Cumberland) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Ordered Printed

Sent up for Concurrence.

Agriculture

Bill "An Act to Create an Agricultural Market Research and Development Fund Program" (H.P. 1134) (L.D. 1544) (Presented by Representative SHERBURNE of Dexter) (Cosponsors: Representative BRAGG of Sidney, Senators BLACK of Cumberland and ANDREWS of Cumberland) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase the Availability and Improve the Quality of Child Care in this State" (H.P. 1141) (L.D. 1551) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Senator CLARK of Cumberland, Representatives DIAMOND of Bangor and PINES of Limestone)

Ordered Printed  
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Clarify the Authority of the Superintendent of Insurance to Assign Risks for Workers' Compensation Insurance" (H.P. 1127) (L.D. 1537) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative RYDELL of Brunswick, Senators THERIAULT of Aroostook and BUSTIN of Kennebec)

Bill "An Act Amending the Assumed Payroll of Partnerships and Sole Proprietors in a Self-insured Group" (H.P. 1130) (L.D. 1540) (Presented by Representative REED of Falmouth) (Cosponsors: Representatives SHELTRA of Biddeford, STEVENS of Sabattus, and Senator BRANNIGAN of Cumberland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24)

Bill "An Act to Create Immunity from Liability" (H.P. 1137) (L.D. 1547) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsors: Representative VOSE of Eastport, Senators BRANNIGAN of Cumberland and BLACK of Cumberland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24)

Bill "An Act to Amend the Law Relating to Group Life and Health Insurance" (H.P. 1138) (L.D. 1548) (Presented by Representative REED of Falmouth) (Cosponsors: Senator CLARK of Cumberland and Representative ALIBERTI of Lewiston) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24)

Bill "An Act to Establish an Insurance Commission" (H.P. 1145) (L.D. 1556) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative RYDELL of Brunswick, Senators THERIAULT of Aroostook and BUSTIN of Kennebec)

Ordered Printed  
Sent up for Concurrence.

Human Resources

Bill "An Act Allowing Restricted Disclosure of HTLV III Test Results within a Federally-mandated Military Testing Program" (H.P. 1128) (L.D. 1538) (Presented by Representative HICHBORN of LaGrange) (Cosponsors: Senator BALDACCI of Penobscot and Representative HILLOCK of Gorham) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Bill "An Act Relating to Construction Standards for Access for Handicapped Persons to Public Facilities" (H.P. 1129) (L.D. 1539) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsors: Senators GILL of Cumberland, GAUVREAU of Androscoggin, and Representative TAYLOR of Camden) (Submitted by the Department of Administration pursuant to Joint Rule 24)

Bill "An Act to Protect Abused Children and Dependent Adults" (H.P. 1131) (L.D. 1541) (Presented by Representative HARPER of Lincoln) (Cosponsors: Representatives ROLDE of York, BEGLEY of Waldoboro, and Senator ERWIN of Oxford) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Promote the Coordination of State Prevention Programs for Juveniles" (H.P. 1133) (L.D. 1543) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Senators GAUVREAU of Androscoggin, PERKINS of Hancock, and Representative STROUT of Corinth) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Bill "An Act to Amend the Child and Family Services and Child Protection Act" (H.P. 1140) (L.D. 1550) (Presented by Representative McPHERSON of Eliot) (Cosponsors: Representatives MACOMBER of South Portland, BEGLEY of Waldoboro, and Senator KERRY of York) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

State and Local Government

Bill "An Act Converting West Forks Plantation into the Town of West Forks" (Emergency) (H.P. 1132) (L.D. 1542) (Presented by Representative ROTONDI of Athens) (Cosponsor: Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Change the Perry-Pembroke Boundary Line" (Emergency) (H.P. 1139) (L.D. 1549) (Presented by Representative MOHOLLAND of Princeton) (Cosponsor: Representative VOSE of Eastport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed  
Sent up for Concurrence.

Transportation

Bill "An Act to Establish a State Cost-share Program for Salt and Sand Storage Facilities" (H.P. 1135) (L.D. 1545) (Presented by Representative MICHAUD of East Millinocket) (Cosponsors: Senators USHER of Cumberland, CAHILL of Sagadahoc, and Representative WHITCOMB of Waldo) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

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

REPORTS OF COMMITTEES

Ought to Pass in New Draft

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight

Limitations Imposed on Other Highway Vehicles" (H.P. 69) (L.D. 72) reporting "Ought to Pass" in New Draft (H.P. 1144) (L.D. 1554)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative BRAGG from the Committee on Agriculture on Bill "An Act to Require Labeling of Foods Processed with Radiation" (H.P. 814) (L.D. 1088) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Prohibit Sale of Foods Processed with Radiation" (H.P. 1142) (L.D. 1552)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft/New Title

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Impose Liability and Financing Responsibility for Injuries to Patients Consequent to Review Decisions by 3rd-party Payors" (H.P. 262) (L.D. 345) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Insurers to Report Utilization Review Data" (H.P. 1143) (L.D. 1553)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 342) (L.D. 997) Bill "An Act to Provide Funds for Epilepsy Education and Support of Satellite Service Centers" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-55)

(S.P. 328) (L.D. 956) Bill "An Act to Amend the Charter of the Bath Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-56)

There being no objections, the above items were ordered to appear on the Consent Calendar later in today's session, under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 367) (L.D. 1102) Bill "An Act to Provide Funding to Accelerate Collection of Geologic Information Relating to Hazardous Waste Disposal and Geologic Resources and Hazards Assessment"

(H.P. 324) (L.D. 423) Bill "An Act to Establish Pilot Indigency Screening Units for Court-appointed Counsel" (C. "A" H-110)

(H.P. 92) (L.D. 101) Bill "An Act to Provide Funds for Respite Care" (C. "A" H-111)

(H.P. 756) (L.D. 1019) Bill "An Act to Develop a Pilot Community Reintegration Program for Youth Returning to their Homes from the Maine Youth Center" (C. "A" H-112)

(H.P. 487) (L.D. 654) Bill "An Act to Expand the Maine Conservation Corps" (Emergency) (C. "A" H-116)

(H.P. 162) (L.D. 203) Bill "An Act to Continue Statewide Standards for the Identification and Management of Child Abuse and Neglect" (C. "A" H-115)

(H.P. 399) (L.D. 533) Bill "An Act to Amend the Powers of Certain Hospital Administrative Districts" (C. "A" H-118)

(H.P. 821) (L.D. 1112) Bill "An Act Relating to the Narcotics Laws"

(H.P. 730) (L.D. 982) Bill "An Act to Regulate Discharges from Vehicular Holding Tanks" (C. "A" H-120)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Liquor Licensing Laws" (S.P. 486) (L.D. 1466)

Bill "An Act to Allow the Use of Electronic Recording in Superior Court Cases in Limited Circumstances" (S.P. 494) (L.D. 1510)

Were reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed in concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Extend the Time for Trust Land Designation" (S.P. 495) (L.D. 1511) (S. "A" S-60)

Bill "An Act Regarding the Maine Agricultural Marketing and Bargaining Act of 1973" (H.P. 679) (L.D. 912) (C. "A" H-107)

Bill "An Act to Regulate Motor Vehicles on Lakes, Ponds or Reservoirs Used to Supply Drinking Water" (S.P. 474) (L.D. 1437) (S. "A" S-57)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1987 (H.P. 1104) (L.D. 1496)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 8 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify Residency Requirements for Servicemen (H.P. 1020) (L.D. 1373) (H. "A" H-92)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

LATER TODAY ASSIGNED

An Act to Change the Lime Laws (H.P. 925) (L.D. 1237)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Tardy of Palmyra, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act Relating to the Relocation of the Southern Division of the 10th District Court (H.P. 1042) (L.D. 1404)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY  
UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

"An Act Relating to Initial Plates under the Motor Vehicle Laws" (H.P. 40) (L.D. 43)

- In House, Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted on May 1, 1987.

- In Senate, Minority "Ought to Pass" Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed in non-concurrence.

TABLED - May 12, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Further consideration.

On motion of Representative Diamond of Bangor, retabled pending further consideration and specially assigned to Thursday, May 14, 1987

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

"An Act to Recodify the Public Utilities Law" (Emergency) (H.P. 1075) (L.D. 1458)

TABLED - May 11, 1987 by Representative VOSE of Eastport.

PENDING - Passage to be Engrossed.

Subsequently, the bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

"An Act to Strengthen the Lobster Hatchery Program" (Emergency) (H.P. 1055) (L.D. 1425)

TABLED - May 12, 1987 by Representative MITCHELL of Freeport.

PENDING - Passage to be Enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 1425 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-121) and moved its adoption.

House Amendment "A" (H-121) was read by the Clerk and adopted.

Subsequently, the bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the third tabled and today assigned matter:

Joint Order (S.P. 504) relative to Recalling Bill

"An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative Files to the Senate.

- In Senate, Read and Passed.

TABLED - May 12, 1987 by Representative GREENLAW of Standish.

PENDING - Motion of same Representative to Reconsider whereby the Joint Order was Indefinitely Postponed in non-concurrence.

On motion of Representative Michaud of East Millinocket, retabled pending the motion of Representative Greenlaw of Standish to Reconsider whereby the Joint Order was Indefinitely Postponed in non-concurrence and specially assigned for Thursday, May 14, 1987.

(Off Record Remarks)

On motion of Representative Brown of Gorham, the House reconsidered its action whereby (H.P. 399) (L.D. 533) Bill "An Act to Amend the Powers of Certain Hospital Administrative Districts" (C."A"H-118) was passed to be engrossed as amended.

The Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-118) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No.1 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act Providing for the 1987 Amendments to the Finance Authority of Maine Act" (S.P. 511) (L.D. 1535)

Came from the Senate, referred to the Committee on Economic Development and Ordered Printed.

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act to Revise and Update Certain Fish and Wildlife Laws" (S.P. 508) (L.D. 1532)

Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Relating to the Definition of Full-time Corrections Officer" (S.P. 506) (L.D. 1530)

Bill "An Act to Amend the Tri-state Lotto Compact" (S.P. 509) (L.D. 1533)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Clarify the Organization of the Maine Sardine Council" (S.P. 507) (L.D. 1531)

Came from the Senate, referred to the Committee on Marine Resources and Ordered Printed.

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act Providing for Administrative Changes in Maine Tax Laws" (S.P. 512) (L.D. 1536)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Establish the Railroad Employee Equity Act" (S.P. 505) (L.D. 1529)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

The following item appearing on Supplement No.2 was taken up out of order by unanimous consent:

SENATE PAPER

RESOLVE, to Authorize the Commissioner of Mental Health and Mental Retardation to Continue to Employ Charles E. Meredith, M.D., as Superintendent of the Bangor Mental Health Institute (Emergency) (S.P. 510) (L.D. 1534)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Was referred to the Committee on Human Resources in concurrence.

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

(Off Record Remarks)

On motion of Representative Allen of Washington, Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The following items appearing on Supplement No.3 were taken up out of order by unanimous consent:

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Clarify the Confidentiality of Certain Information

Under the Reporting of Abuse and Neglect Laws" (S.P. 254) (L.D. 705)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 503)

113th MAINE LEGISLATURE

May 11, 1987

Senator John E. Baldacci

Representative Carol M. Allen

Chairpersons

Joint Standing Committee on Business Legislation

113th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joseph A. Edwards of Belmont, Massachusetts for appointment as the Superintendent of the Bureau of Insurance, Department of Professional and Financial Regulation.

Pursuant to Title 24A, M.R.S.A. Section 201, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,

S/Charles P. Pray

President of the Senate

S/John L. Martin

Speaker of the House

Came from the Senate, Read and Referred to the Committee on Banking and Insurance.

Was Read and Referred to the Committee on Banking and Insurance in concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Forfeiture of Vehicles of Persons Operating after License Suspension Who are Operating Under the Influence" (H.P. 720) (L.D. 971) reporting "Ought Not to Pass"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Amend the Local Liquor Option Referendum Questions" (H.P. 438) (L.D. 591) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Extend the Freshwater Fishing Season for Nongame Fish in Southern Maine" (H.P. 660) (L.D. 893) reporting "Ought Not to Pass"

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Hunting of Bear with Bait" (H.P. 63) (L.D. 66) reporting "Ought Not to Pass"

Representative WALKER from the Committee on Fisheries and Wildlife on Bill "An Act Requiring the Issuance of Doe Hunting Permits to Persons who are Eligible for Free Hunting Licenses" (H.P. 336) (L.D. 435) reporting "Ought Not to Pass"

Representative WALKER from the Committee on Fisheries and Wildlife on Bill "An Act to Establish the Indian Point Wildlife Sanctuary in Georgetown" (H.P. 849) (L.D. 1140) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Enable Hunting for the Disabled" (H.P. 975) (L.D. 1322) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Prohibit the Gathering of Petition Signatures for Initiated Bills at Voting Places" (H.P. 833) (L.D. 1124) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Require a Candidate's Financial Report to Indicate the Date of Transactions" (H.P. 831) (L.D. 1122) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Possession of Unused Portions of Wine at Catered Events" (H.P. 630) (L.D. 853) reporting "Leave to Withdraw"

Representative WEYMOUTH from the Committee on Utilities on Bill "An Act Regarding Electric Rates for Volunteer Fire Associations" (H.P. 805) (L.D. 1079) reporting "Leave to Withdraw"

Representative WILLEY from the Committee on Utilities on Bill "An Act to Create a Public Service Cable Channel Connected with the University of Maine System" (H.P. 947) (L.D. 1276) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Old Cemeteries" (H.P. 585) (L.D. 796) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act Concerning Campaigning at a Polling Place" (H.P. 570) (L.D. 768) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Create a Tax on Meals" (H.P. 934) (L.D. 1250) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Establish a Tax Credit for Removal of Asbestos" (H.P. 803) (L.D. 1077) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Raise the Sales Tax on Meals" (H.P. 520) (L.D. 693) reporting "Leave to Withdraw"

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Ensure Employment Opportunities for Older Citizens in State Supported Agencies Serving Senior Citizens" (H.P. 931) (L.D. 1247) reporting "Leave to Withdraw"

Representative RAND from the Committee on Labor on Bill "An Act to Clarify the Discrimination Provision of the Workers' Compensation Act so that Injured Workers may Pursue their Rights without Fear of Punishment by their Employers" (H.P. 666) (L.D. 899) reporting "Leave to Withdraw"

Representative WALKER from the Committee on Fisheries and Wildlife on Bill "An Act to Allow Crossbow Hunting for Handicapped Persons" (H.P. 908) (L.D. 1220) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide Collective Bargaining for Substitute Teachers" (H.P. 523) (L.D. 707)

Signed:

Senators: DUTREMBLE of York

Representatives:

COLLINS of Aroostook  
TAMMARO of Baileyville  
WILLEY of Hampden  
ZIRNKILTON of Mount Desert  
McHENRY of Madawaska  
BEGLEY of Waldoboro  
HALE of Sanford  
RUHLIN of Brewer  
HEPBURN of Skowhegan

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-119) on same bill.

Signed:

Senator:

ANDREWS of Cumberland

Representatives:

RAND of Portland

JOSEPH of Waterville

Reports were read.

On motion of Representative Diamond of Bangor, Tabled Unassigned pending acceptance of either report.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 712) (L.D. 963) Bill "An Act to Provide for Removal and Sale of Abandoned Motor Vehicles on Public Property" Committee on Legal Affairs reporting "Ought to Pass"

(H.P. 713) (L.D. 964) RESOLVE, to Establish a Study to Set Standards for Driving when Under the Influence of Drugs Other than Alcohol Committee on Legal Affairs reporting "Ought to Pass"

(S.P. 402) (L.D. 1242) Bill "An Act to Modify the Definition of Sexually Explicit Conduct" Committee on Judiciary reporting "Ought to Pass"

(S.P. 403) (L.D. 1243) Bill "An Act to Clarify the Law Relating to Restitution for Victims of Crime by Expressly Providing that Cities, Counties and other Governmental Entities can be Victims and that Organizations may be Ordered to Pay Restitution" (Emergency) Committee on Judiciary reporting "Ought to Pass"

(S.P. 406) (L.D. 1257) Bill "An Act to Modify Certain Criminal Appeal Laws" Committee on Judiciary reporting "Ought to Pass"

(S.P. 410) (L.D. 1261) Bill "An Act Relating to a Court Granting Continuance under the Corrections Law" Committee on Judiciary reporting "Ought to Pass"

(S.P. 191) (L.D. 518) Bill "An Act to Revise the Maine Medical Laboratory Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-61)

(S.P. 314) (L.D. 916) Bill "An Act to Extend the Freeze on Maximum Weekly Benefits Under the Workers' Compensation Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-59)

(H.P. 189) (L.D. 233) Bill "An Act Concerning the Open Season on Bear" Committee on Fisheries and Wildlife reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 14, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:



(S.P. 328) (L.D. 956) Bill "An Act to Amend the Charter of the Bath Water District" (C. "A" S-56)

(S.P. 342) (L.D. 997) Bill "An Act to Provide Funds for Epilepsy Education and Support of Satellite Service Centers" (C. "A" S-55)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Prohibit Sale of Foods Processed with Radiation" (H.P. 1142) (L.D. 1552)

Bill "An Act to Require Insurers to Report Utilization Review Data" (H.P. 1143) (L.D. 1553)

Bill "An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles" (H.P. 1144) (L.D. 1554)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

As Amended

Bill "An Act to Amend the Powers of Certain Hospital Administrative Districts" (H.P. 399) (L.D. 533) (C. "A" H-118)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Representative Brown of Gorham offered House Amendment "A" (H-122) and moved its adoption.

House Amendment "A" (H-122) was read by the Clerk and adopted.

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

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Strengthen the Victim's Ability to Address the Court at a Criminal Sentencing" (H.P. 917) (L.D. 1229) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Walker of Norway,  
Adjourned until Thursday, May 14, 1987, at nine o'clock in the morning.

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Wednesday  
May 13, 1987

Senate called to Order by the President.

Prayer by the Honorable Beverly Miner Bustin of Kennebec.

SENATOR BUSTIN: Thank you. What I want to share with you this morning, really isn't a prayer, but it is a couple of readings that during this time of the session, I always seem to pull out of my file and read again. It seems to center and steady me for the rest of the session and gives me some perspective. I hope it does the same for you.

The first reading is from the "Velvet Rabbit", some of you may remember that from your childhood. "What is real?" asked the rabbit. "It's a thing that happens to you when a child loves you for a long time," said the skin horse. "It doesn't happen all at once. You become. It takes a long time. That's why it doesn't happen to people who break easily or have sharp edges, or have to be carefully kept. Generally, by the time you are real, most of your hair has been rubbed off and your eyes drop out and you get loose at the joints and very shabby. But these things don't matter at all, because once you are real, you can't be ugly, accept to people who don't understand."

The second reading is another one that helps me through these stressful times. "Happiness, sought by many and found by few, therefore, is a matter entirely within ourselves; our environment and the everyday happenings of life have absolutely no effect on our happiness except as we permit mental images of the outside to enter our consciousness. Happiness is wholly independent of position, wealth, or material possessions. It is a state of mind which we, ourselves, have the power to control. And that control lies within our thinking." Thank you.

Reading of the Journal of Yesterday.

COMMUNICATIONS

The Following Communication:  
COMMITTEE ON AUDIT AND PROGRAM REVIEW  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
May 1987

Members of the Legislative Council:

We are pleased to transmit to you the eighth annual report of the Joint Standing Committee on Audit & Program Review. This report contains our recommendations regarding the Department of Educational and Cultural Services, over 20 professional regulatory boards, and the delivery of state child welfare services in Maine.

In conducting the review, the goal of the Audit and Program Review Committee has been to improve state agency performance by increasing management and fiscal accountability, resolving complex issues, clarifying Legislative intent, saving General Fund expenditures, making more efficient use of dedicated revenues, and increasing Legislative oversight. To accomplish its goal, the Committee has conducted extensive research, reviewed statutes and relevant data and statistics, considered comment and testimony from many individuals with direct experience in issues before the Committee, compared agencies under