

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Thirteenth Legislature

OF THE

State Of Maine

VOLUME IV

SECOND REGULAR SESSION

March 25, 1988 to May 5, 1988

Index

SECOND CONFIRMATION SESSION

May 13, 1988

Index

THIRD CONFIRMATION SESSION

June 15, 1988

Index

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

Index

FOURTH CONFIRMATION SESSION

November 14, 1988

Index

FOURTH SPECIAL SESSION

November 28, 1988

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 3, 1986 to December 6, 1988

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
 62nd Legislative Day
 Monday, April 11, 1988

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

Prayer by Representative Joseph Mayo of Thomaston.
 National Anthem by Edward Little High School Band, Auburn.

The Journal of Friday, April 8, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency) (H.P. 1799) (L.D. 2463) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-588) as amended by Senate Amendment "B" (S-417) and House Amendment "D" (H-643) thereto in the House on April 7, 1988.

Came from the Senate with that Body having Insisted on its previous action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-588) as amended by Senate Amendment "B" (S-417) thereto in non-concurrence.

On motion of Representative Diamond of Bangor, the House voted to Insist and ask for a Committee of Conference.

By unanimous consent, was ordered sent forthwith to the Senate.

ORDERS

On motion of Representative MAYO of Thomaston, the following Joint Resolution: (H.P. 1925) (Cosponsors: Representatives DIAMOND of Bangor, CASHMAN of Old Town, and Senator DOW of Kennebec)

JOINT RESOLUTION MEMORIALIZING CONGRESS TO RELEASE FEDERAL HIGHWAY TRUST FUNDS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Thirteenth Legislature, now assembled, most respectfully present and petition the members of the 101st Congress of the United States, as follows:

WHEREAS, the Federal Government imposes a tax of 9¢ per gallon on motor fuel which is deposited in the Federal Highway Trust Fund; and

WHEREAS, that trust fund by law may only be used for specified purposes, primarily the construction and maintenance of federal-aid highways and urban mass transit; and

WHEREAS, the states, including Maine, rely upon funds from that trust fund to pay a fair share of the cost of maintenance and necessary improvements to federal-aid highways, highways that are an essential part of the infrastructure on which the people and businesses of the State depend; and

WHEREAS, the Federal-Aid Highway Act covering fiscal years 1988-1992 cut back authorizations from that fund, and Maine's share dropped significantly from \$142,000,000 for fiscal year 1987 to \$119,000,000 for fiscal year 1988; and

WHEREAS, Maine had planned a highway budget of \$167,000,000 for state fiscal year 1988-89, including the \$119,000,000 of federal funds, matched by State and local funds; and

WHEREAS, later federal action in the Continuing Appropriation Act of 1988 held back \$10,000,000 even from this reduced funding for fiscal year 1988, and

the President's budget proposal suggests that even more than \$10,000,000 will be held back the next year as part of the federal budget balancing package; and

WHEREAS, the failure of the Federal Government to release the full amount from the Federal Highway Trust Fund will unfairly require the State to make up for the shortfall, despite the fact that the Federal Highway Trust Fund is entirely paid for by user fees, not general tax revenues, thus requiring the people of Maine to pay twice for the same purpose; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 101st United States Congress release the funds which have been held back from the Federal Highway Trust Fund and distribute it to the states, including Maine's share of approximately \$20,000,000 for fiscal years 1988 and 1989; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Ronald Reagan, President of the United States, the President of the Senate and Speaker of the House of the Congress of the United States and to each member of the Senate and House of Representatives in the Congress of the United States from this State.

Was read and adopted and sent up for concurrence.

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Dale F. Thistle of Dover-Foxcroft be excused April 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gerard P. Conley, Jr., of Portland be excused April 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Guy G. Scarpino of St. George be excused March 31 and April 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mary H. MacBride of Presque Isle be excused April 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Carl F. Sheltra of Biddeford be excused April 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harriet A. Ketover of Portland be excused April 4 for the duration of her illness.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused April 7 and 8 for personal reasons.

Was read and passed.

On motion of Representative PARADIS of Augusta, the following Joint Order: (H.P. 1926)

Ordered, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill "AN ACT to Correct Additional Errors and Inconsistencies in the Laws of Maine."

Was read and passed and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Prevent Reductions in Existing Child Care Programs Funded with Social Services Block Grants" (H.P. 1566) (L.D. 2133) reporting "Leave to Withdraw"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Court Appointed Attorneys" (H.P. 717) (L.D. 968) reporting "Leave to Withdraw"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to Implement the Findings of the Job Classification Study of the University of Maine System" (H.P. 1666) (L.D. 2284) reporting "Leave to Withdraw"

Representative MCGOWAN from the Committee on Appropriations and Financial Affairs on Bill "An Act to Improve the Standard of Living for Maine's Low-Income Children" (Emergency) (H.P. 1619) (L.D. 2212) 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 State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-648) on Bill "An Act to Require Municipal Approval of Public Land Acquired by the State" (H.P. 1640) (L.D. 2239)

Signed:

Senators: TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo

Representatives: LOOK of Jonesboro
WENTWORTH of Wells
CARROLL of Gray
BOUTILIER of Lewiston
ANTHONY of South Portland
ROTONDI of Athens
STROUT of Windham
BICKFORD of Jay

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: LACROIX of Oakland
HUSSEY of Milo

Reports were read.

On motion of Representative Carroll of Gray, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-648) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-652) on Bill "An Act to Expand the Property Tax Circuit Breaker Program" (H.P. 1882) (L.D. 2574)

Signed:

Senators: TWITCHELL of Oxford
DOW of Kennebec

Representatives: WHITCOMB of Waldo
NADEAU of Saco
ZIRNKILTON of Mount Desert
SEAVEY of Kennebunkport
SWAZEY of Bucksport
CASHMAN of Old Town
MAYO of Thomaston
JACKSON of Harrison
DUFFY of Bangor
DORE of Auburn

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: SEWALL of Lincoln

Reports were read.

On motion of Representative Cashman of Old Town, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-652) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Increase the Minimum Standards for Eligibility for the Elderly Low-Cost Drug Program and the Household Tax and Rent Refund Act" (H.P. 1512) (L.D. 2062) (C. "A" H-651)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Emergency Shelter Services to Homeless Youth (S.P. 760) (L.D. 2023) (C. "A" S-409)

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. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance the Effectiveness of the Operating-Under-the-Influence Laws (S.P. 885) (L.D. 2297) (S. "A" S-408 to C. "A" S-398)

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. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Storage, Use and Transportation of Hazardous Chemicals (S.P. 939) (L.D. 2477) (C. "A" S-418)

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. 114 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend a Sunset Provision in the Civil Service Law (S.P. 980) (L.D. 2605) (H. "A" H-629)

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

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Lacroix.

Representative LACROIX: Mr. Speaker, Men and Women of the House: Before we enact this bill this morning, I would just like to refresh your memory on exactly what this bill does. As some of you will remember, this is the bill that kept us hostage here on June 30th until almost midnight. It had two reports, both "Ought to Pass" from the Committee on State and Local Government. It was a bitterly fought battle from January when we first came in and, I am sorry to say, I lost that battle too. But, as Representative Jacques said last week, "What goes around, comes around." It is with pleasure albeit a little bitter-sweet that I stand here this morning and am able to say, "I told you so."

What this bill does is exactly what I said it would do on June 30th. The version of the bill that I was pushing was going to be a labor/management study on job classification specifications for roughly 3,000 plus classifications within state government. I wanted the labor/management bill because labor/management is a compromise kind of group and you look and focus on the issue and try to determine both sides the best way. The way the bill was enacted, it became part of the negotiations of the current ongoing compensation study. Negotiations, as you all know, just by their nature, are very adversarial. The compensation study is a very complex, complicated issue and is barely off the ground.

The job classifications specifications, as I told you at the time, should not have been melded in with the ongoing negotiations -- that nothing would happen. Well, I was wrong on that point, something did happen. One, small, tiny, minute step was taken and that step was, from the time they had been working since last September, the Compensation Committee has finally come up with a format for the standards that will later be developed on job classification specifications. No standards, mind you, no changes in specifications mind you, but a format. Under the bill that I was pushing, the standards would already have been developed and would be ready for implementation on July 1, 1988. This bill asks that we extend that study for two whole years so that the compensation issue might be resolved.

I told you at the time that optimistically it would take three years before any relief would be felt by those people outside waiting for the classification specification changes. I wasn't far wrong on that -- you add another two years to the sunset because there is no intent to look at the classification specks until after the compensation issue is decided. I still say realistically, it probably is going to be five years down the road before any relief is felt by those classes.

I just wanted to remind you what we debated last year, what my position was on it, and that this is currently proving me right. There is no relief on specification classification rules now nor within the next two years but it has been a step, we did pass the law. So, I am not trying to do anything to defeat this this morning. I just wanted to stand here and be able to say once in this House before I leave, "I told you so." But, I do ask you all to support the measure.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act Allowing Waiver of Certificate of Need Review Requirements for Projects Other Than Those Related to Acute Patient Care When the Waiver Would Further the Purposes of the Maine Certificate of Need Act (H.P. 1503) (L.D. 2053) (C. "A" H-599)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish Guidelines for Genetic Engineering Experimentation (H.P. 1727) (L.D. 2370) (H. "A" H-626 to C. "A" H-583)

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. 105 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws (H.P. 1767) (L.D. 2420) (C. "A" H-611)

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

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

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Abolish the Office of Complaint Justice and Replace it with the Office of Justice of the Peace (H.P. 1791) (L.D. 2452) (C. "A" H-600)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1988-89 (H.P. 1800) (L.D. 2464) (H. "A" H-634 to C. "A" H-563)

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. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Tabled and Assigned

An Act to Establish the Maine Commission on Agent Orange and Radiation (H.P. 1914) (L.D. 2613) (H. "B" H-632)

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

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, April 12, 1988.

ENACTOR
Emergency Measure
Later Today Assigned

An Act to Clarify the Law Governing Prelitigation Screening Panels (S.P. 711) (L.D. 1941) (C. "A" S-395)

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

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

ENACTOR
Emergency Measure
Later Today Assigned

An Act to Amend the Rehabilitation System under the Workers' Compensation Act (H.P. 1915) (L.D. 2614) (S. "A" S-416; H. "A" H-614)

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

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

FINALLY PASSED
Emergency Measure

RESOLVE, to Reconstitute the Commission to Review the Laws Relating to Registered Maine Guides (H.P. 1673) (L.D. 2292) (S. "A" S-421 to C. "A" H-610)

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. 112 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

RESOLVE, Creating the Commission on Marine Research (H.P. 1741) (L.D. 2387) (C. "A" H-617)

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. 112 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

RESOLVE, to Establish the Special Commission on Boating (H.P. 1785) (L.D. 2446) (C. "A" H-618)

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. 103 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1988 (H.P. 1920) (L.D. 2619)

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. 116 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure
Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1988 (H.P. 1921) (L.D. 2621)

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

On motion of Representative Allen of Washington, tabled pending passage to be enacted and specially assigned for Tuesday, April 12, 1988.

PASSED TO BE ENACTED

An Act to Require a Study of the Maine Blueberry Commission (S.P. 921) (L.D. 2412) (C. "A" S-405)

An Act to Provide for Payment of Contributions by Employers Under the Maine State Retirement System (S.P. 977) (L.D. 2595) (H. "A" H-627)

An Act to Establish Greater Communication in the Rule-Making Process and to Provide Better Standards for the Adoption of Rules (H.P. 1912) (L.D. 2611)

An Act to Provide Additional Resources to the Board of Pesticides Control (H.P. 1514) (L.D. 2067) (C. "A" H-619)

An Act to Clarify Reporting Requirements under the Campaign Finance Laws (H.P. 1549) (L.D. 2109) (H. "A" H-623)

An Act to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes (H.P. 1562) (L.D. 2129) (C. "A" H-631)

An Act to Ban Disposable Polystyrene Foam Food and Drink Containers from Public Cafeterias (H.P. 1592) (L.D. 2178) (C. "A" H-604)

An Act to Give the Commissioner of Transportation Power to Condemn Existing Rail Lines for Transfer to Safe, Reliable and Efficient Rail Operators (H.P. 1701) (L.D. 2338) (C. "A" H-616)

An Act to Extend the Uses of the Potato Marketing Improvement Fund (H.P. 1745) (L.D. 2391) (S. "A" S-419 to C. "A" H-569)

An Act to Promote Greater Workplace Safety (S.P. 936) (L.D. 2469) (H. "B" H-620 to C. "A" S-396)

An Act Relating to the State Health Insurance Program and the Bureau of State Employee Health (S.P. 937) (L.D. 2470) (C. "A" S-403)

An Act to Exempt Law Enforcement Personnel from Having to Pay Ferry Tolls (H.P. 1823) (L.D. 2498) (S. "A" S-415)

Were 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
Tabled and Assigned

An Act Relating to 6-Axle Vehicles Carrying General Commodities (H.P. 1919) (L.D. 2618)

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

On motion of Representative Racine of Biddeford, tabled pending passage to be enacted and specially assigned for Tuesday, April 12, 1988.

PASSED TO BE ENACTED

An Act Relating to Prison Furloughs (H.P. 1736) (L.D. 2381) (C. "A" H-609)

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.

PASSED TO BE ENGROSSED

An Act to Amend the Regulation of Lobster Parts (H.P. 1584) (L.D. 2162) (C. "A" H-595)

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

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 2162 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-595) was adopted.

The same Representative offered House Amendment "A" (H-649) to Committee Amendment "A" (H-595) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

FINALLY PASSED

RESOLVE, to Appropriate Funds to the AIDS Lodging House, Inc. (S.P. 965) (L.D. 2560) (C. "A" S-410)

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

ORDERS OF THE DAY
TABLED AND TODAY ASSIGNED

The Chair laid before the House the first Tabled and Today assigned matter:

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) (S.P. 950) (L.D. 2521) (C. "A" S-404)

TABLED - April 8, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed in concurrence.

The Chair laid before the House the second Tabled and Today assigned matter:

An Act to Authorize the Creation of the Freeport Water District (Emergency) (S.P. 987) (L.D. 2615)

TABLED - April 8, 1988 by Representative MURPHY of Kennebunk.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly the Bill

was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the third Tabled and Today assigned matter:

An Act to Clarify the Site Location of Development Law (S.P. 897) (L.D. 2326) (C. "A" S-394) TABLED - April 8, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the fourth Tabled and Today assigned matter:

An Act Relating to the Maine Uniform Transfers to Minors Act (H.P. 642) (L.D. 865) (C. "A" H-602) TABLED - April 8, 1988 by Representative PARADIS of Augusta.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the fifth Tabled and Today assigned matter:

An Act to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws (H.P. 1731) (L.D. 2374) (C. "A" H-597)

TABLED - April 8, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the sixth Tabled and Today assigned matter:

An Act to Recodify the Laws on Municipalities and Counties (H.P. 1855) (L.D. 2538)

TABLED - April 8, 1988 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, retabled pending passage to be enacted and specially assigned for Tuesday, April 12, 1988.

The Chair laid before the House the seventh Tabled and Today assigned matter:

HOUSE REPORT - "Ought to Pass" as Amended by Committee Amendment "A" (H-638) - Committee on Transportation on Bill "An Act to Reallocate Funds from the Maine Turnpike Authority for Construction and Maintenance of Secondary Roads" (H.P. 1574) (L.D. 2149)

TABLED - April 8, 1988 by Representative DIAMOND of Bangor.

PENDING - Acceptance of the Committee Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of the Committee Report and later today assigned.

The Chair laid before the House the eighth Tabled and Today assigned matter:

Bill "An Act to Revise the Energy Building Standards Act" (S.P. 93) (L.D. 247)

- In Senate, Majority "Ought to Pass" in New Draft Report of the Committee on Energy and Natural

Resources read and accepted and the New Draft (S.P. 958) (L.D. 2539) passed to be engrossed as amended by Senate Amendment "B" (S-352) in non-concurrence.

- In House, House Adhered to its former action whereby the Bill and accompanying papers were Indefinitely Postponed on March 30, 1988.

TABLED - April 8, 1988 by Representative DIAMOND of Bangor.

PENDING - Motion of Representative DEXTER of Kingfield to Reconsider.

On motion of Representative Diamond of Bangor, retabled pending the motion of Representative Dexter of Kingfield to reconsider and specially assigned for Tuesday, April 12, 1988.

The Chair laid before the House the ninth Tabled and Today assigned matter:

Bill "An Act to Prohibit the Sale of Polystyrene Foam Products Containing Chlorofluorocarbons" (H.P. 1797) (L.D. 2461)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-596) on April 5, 1988.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-596) as amended by Senate Amendments "A" (S-414) and "B" (S-422) thereto in non-concurrence on April 7, 1988.

TABLED - April 8, 1988 by Representative GWADOSKY of Fairfield.

PENDING - Motion to Recede and Concur.

On motion of Representative Michaud of East Millinocket, the House voted to recede.

Senate Amendment "A" (S-414) to Committee Amendment "A" (H-596) was read by the Clerk.

On further motion of the same Representative, Senate Amendment "A" (S-414) to Committee Amendment "A" (H-596) was indefinitely postponed.

Senate Amendment "B" (S-422) to Committee Amendment "A" (H-596) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "B" thereto was adopted, the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "B" thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act Concerning the Authority of the Maine Municipal Bond Bank to Issue Certain Bonds and to Establish and Administer a Revolving Loan Fund" (S.P. 992) (L.D. 2625)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Reported Pursuant to the Statutes

Report of the Advisory Committee on Staff Retention, pursuant to Private and Special Law 1987, Chapter 58 ask leave to submit its findings and report that the accompanying Bill "An Act to Implement the Recommendations of the Advisory Committee on Staff Retention in Regard to Day Habilitation Programs Serving Persons with Mental Retardation" (S.P. 991) (L.D. 2624) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Implement Emergency Recommendations from the Task Force on Incapacitated and Dependent Adults" (S.P. 990) (L.D. 2623)

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

Ought to Pass as Amended

Report of the Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-424) on Bill "An Act to Improve the Quality of Care for Handicapped Children" (S.P. 802) (L.D. 2103).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-424) as amended by Senate Amendment "A" (S-434) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-424) was read by the Clerk.

Senate Amendment "A" (S-434) to Committee Amendment "A" (S-424) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-430) on Bill "An Act Relating to Legal Expenses Incurred by State Employees in the Execution of their Official Duties" (S.P. 914) (L.D. 2383)

Signed:

Senators: TUTTLE of York
BALDACCI of Penobscot
GOULD of Waldo

Representatives: ANTHONY of South Portland
LACROIX of Oakland
ROTONDI of Athens
CARROLL of Gray

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Representatives: WENTWORTH of Wells
LOOK of Jonesboro
STROUT of Windham
HUSSEY of Milo
BICKFORD of Jay
BOUTILIER of Lewiston

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-430).

Reports were read.

On motion of Representative Carroll of Gray, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-430) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501) which was passed to be engrossed as amended by Committee Amendment "A" (S-402) as amended by House Amendment "A" (H-622) thereto in the House on April 7, 1988.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-402) and asked for a Committee of Conference in non-concurrence.

On motion of Representative Bost of Orono, the House voted to Insist and Joined in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Special Education in Maine Schools" (H.P. 1588) (L.D. 2172) which was passed to be engrossed as amended by Committee Amendment "A" (H-630) in the House on April 6, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-630) as amended by Senate Amendment "A" (S-428) thereto in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Establish On-Site Day Care at the Capitol Complex" (H.P. 1678) (L.D. 2307) which was passed to be engrossed as amended by Committee Amendment "A" (H-625) in the House on April 6, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-625) as amended by Senate Amendments "A" (S-425) and "B" (S-427) thereto in non-concurrence.

On motion of Representative Carroll of Gray, the House voted to recede.

Senate Amendment "A" (S-425) to Committee Amendment "A" (H-625) was read by the Clerk and adopted.

Senate Amendment "B" (S-427) to Committee Amendment "A" (H-625) was read by the Clerk.

On motion of Representative Carroll of Gray, Senate Amendment "B" was indefinitely postponed.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1489)

Representative WENTWORTH from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1988 (Emergency) (H.P. 1927) (L.D. 2627) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1489)

Report was read and accepted and the Resolve read once.

Under suspension of the rules, the Resolve was read the second time and passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 858) (L.D. 2246) Bill "An Act to Require State-Leased Buildings to Meet Certain Air Quality Standards" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-429)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended by Committee Amendment "A" in concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act Relating to Special Education in Maine Schools" (H.P. 1588) (L.D. 2172) which was passed to be engrossed as amended by Committee Amendment "A" (H-630) in the House on April 6, 1988. Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-630) as amended by Senate Amendment "A" (S-428) thereto in non-concurrence, which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

(Off Record Remarks)

Representative Soucy of Kittery was granted unanimous consent to address the House:

Representative SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I have been very concerned with local property tax relief. I just want to make you aware that we probably have, in today's calendar, seen about two-thirds of local property tax relief from the Taxation Committee. This bothers me a little bit. I refer to items -- specifically in Divided Report (6-6) and also Bills in Second Reading (9-1). If you add both of these bills up, you are talking about \$6 million of property tax relief. If we have got somewhere between \$50 million and \$100 million depending who you talk to, it seems to me we should be able to do more than this.

Let me illustrate, we passed a minimum wage bill here, we are going to increase it by ten cents. Anyone who accepts that, a single person will not even qualify for the low drug program because his wages will be above the amount set in the bill. I will have other information a little bit later but I would be interested to talk with anyone who wants to talk to me. Thank you.

Representative Cashman of Old Town was granted unanimous consent to address the House:

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Just to clarify Representative Soucy's remarks, those two bills that are on the calendar this morning add up to \$8.5 million. There is an additional \$20 million or thereabouts in the Governor's budget for education reform. I know the Education Committee is dealing with figures even in excess of that.

(Off Record Remarks)

On motion of Representative Swazey of Bucksport,
Adjourned until Tuesday, April 12, 1988, at nine
o'clock in the morning.

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

In Senate Chamber

Monday

April 11, 1988

Senate called to Order by the President.

Prayer by Reverend Jeffrey Symynkywicz of the Universalist Church in Rockland.

REVEREND SYMYNKYWICZ: In the name of the spirit of life whom the people of the world call by many names all true, let us give thanks for every gift of life that brings joy, peace and strength of heart. Let us give thanks for every man or woman whose life speaks to us words of hope and affirmation. Let us give thanks for every experience that has expanded our knowledge of ourselves and of our world. Every experience that has quickened our imagination, enlarged our sympathy, taught us the true meanings of service and community. May we be part of the world's light and not of its darkness, part of its faith and not of its fear, part of its love and not of its enmity and maybe truly come to know in newer and deeper ways that all creation is united and that we are all sisters and brothers one to another. Amen.

Reading of the Journal of Yesterday.

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

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Off Record Remarks

On motion by Senator DOW of Kennebec, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Clarify the Definition of Earnable Compensation"

H.P. 1826 L.D. 2502
(C "A" H-624; S "A"
S-420)

In House, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624).

In Senate, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624) AND SENATE AMENDMENT "A" (S-420) in NON-CONCURRENCE.

Comes from the House, that Body INSISTED.

Senator BERUBE of Androscoggin moved to RECEDE.

On further motion by same Senator, Tabled 1 Legislative Day, pending the motion of same Senator to RECEDE.