

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
63rd Legislative Day
Tuesday, April 12, 1988**

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

Prayer by Reverend Gregory Foster, Buckfield Community Church.

The Journal of Monday, April 11, 1988, was read and approved.

Quorum call was held.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 11, 1988

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Agreed and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on 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).

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Improve Personal Care Attendant Services under the Home-Based Care Laws" (S.P. 884) (L.D. 2296)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Make Interim Adjustments and Establish a Prospective Reimbursement System for Boarding Care Facilities Serving the Mentally Retarded" (S.P. 834) (L.D. 2168)

Were 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 Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-426) on Bill "An Act to Provide Regulatory Oversight of Over-the-Road and Over-the-Rail Transportation of Hazardous Materials and to Increase Revenue to the Maine Hazardous Waste Fund and the Maine Coastal and Inland Surface Oil Clean-up Fund" (S.P. 955) (L.D. 2533) (Representatives LORD of Waterboro and ANDERSON of Woodland - of the House - abstaining)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-426) as amended by Senate Amendment "A" (S-435) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-426) was read by the Clerk.

Senate Amendment "A" (S-435) to Committee Amendment "A" (S-426) 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 Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Prohibit Automated Telephone Solicitation" (S.P. 900) (L.D. 2336)

Signed:

Senators: BALDACCI of Penobscot
WHITMORE of Androscoggin

Representatives: TELOW of Lewiston
ALIBERTI of Lewiston
STEVENS of Sabattus
SHELTRA of Biddeford
LEBOWITZ of Bangor
REED of Falmouth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-423) on same Bill.

Signed:

Senator: BRANNIGAN of Cumberland
Representatives: ALLEN of Washington
GURNEY of Portland
RACINE of Biddeford
HILLOCK of Gorham

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I move that the House accept the Minority "Ought to Pass" Report.

The bill that you see before you today will prohibit automated telephone solicitation that is unaccompanied by a live operator. I am not sure if any of you have received a call like this, but a computer will call you and then proceed to disperse with its dialogue and you are unable to end that. You can hang up but that doesn't automatically end the conversation, the computer keeps on talking and continues to tie up your line.

For most of us that would only serve to be an aggravation but there are people out there whose telephone numbers are unlisted for a very specific purpose, that is either they are doctors and they are attached to beepers or pages, which ever you prefer to call them, and other people who use those similar devices. Also, people have selected to use unlisted telephone numbers for a number of reasons, mainly to protect their privacy.

These random telephone calls that are being made are being done by a computer without live operator assistance and that is what we would like to prohibit. If it is not operator assisted, two things can happen, the numbers are selected usually sequentially so, if it were an Augusta telephone number it might be 622-1111, then it would continue 1112. The computer just continues on down the list following the numbers in sequence. If there is a live operator assisting that, usually marketing companies whether they are engaged in sales or political polls etcetera, will be able to use lists so that those numbers that are called — they are actually working from lists. Often times, they happen to be the telephone book or directory but at least they are using lists, they are not using unlisted telephone numbers.

Besides hitting unlisted telephone numbers, when you dial numbers sequentially, you also interrupt important businesses that are being conducted. It might be a doctor's office or a dentist office or any small business in your town. It might be a hospital or any other facility in the state that uses telephones.

What we are trying to prohibit is this random, sequential telephone calling without a live operator. If you have a live operator, that is fine. Most companies do operate in this manner. We are also trying to keep them from using the sequential dialing so that people who are actually hooked up to beepers or pages won't be called to a telephone to make a call to their office or whatever and find out that they have been actually talking to Jim the computer.

You should keep in mind that these computers will not disconnect when you hang up. So, if you need to use your phone in an emergency situation and it coincidentally happens when you are being called by this computer, you can't break that connection. Your phone is tied up with this computer because the computer has not been programmed to hang up just because you did.

So, besides the fact that this is very aggravating, they interrupt conducting the normal business during the normal business day, they interrupt professionals such as doctors or other emergency personnel who use pages.

During the public hearing, we heard from Summit Communications who gives their services to people who are waiting for organ donations. In other words, you don't have to pay for the services of a beeper or a pager, they are donated to you as part of their public policy. These people with organ donations have a limited amount of time to respond and that is the only reason they wear their beepers. If their beeper goes off, that is an immediate signal to them that an organ donor has been found and they have eight hours to get to Boston or whatever. So, it might be a minor inconvenience for some of us who are used to picking up our telephone and talking to all kinds of people at all times of the day and night and morning, but for other people, it is a real serious hazard.

The practice of using these computers in the State of Maine is not widespread. So, I think this bill is well-timed. We are trying to nip the problem before it becomes rampant. All we are saying is, you may use computers, but those computers who dial people must be operator assisted. That way they don't pick out numbers that shouldn't be called and also the operator is able to disconnect if you hang up.

So, I would urge that you accept the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share with you some information that I believe will demonstrate why the bipartisan majority of the Joint Standing Committee on Business Legislation recommended that you accept the "Ought Not to Pass" Report on this bill.

You have heard, and may hear, some discussion on this matter that seems superficially appealing. There is certainly no member of this House that does not find unsolicited telephone calls at least annoying, if not down right unpleasant. On that point I am sure, we can reach agreement. We can probably also agree that mosquitoes and traffic jams are annoying but should we enact legislation that

seeks to ban those annoyances? Appealing perhaps, but unrealistic. L.D. 2336 is also appealing but equally unrealistic.

With your indulgence, I will attempt to demonstrate why the majority believes this to be so. Supposedly, the Minority position will argue that certain owners of auto response devices, known as beepers, are unnecessarily annoyed by receiving some of these calls, calling their office only to find out that no one from that office did, in fact, place the call. It is somewhat understandable that someone might be upset if he or she had to interrupt their golf game to call the office, but hardly reason enough to pass a law against it. After all, those of us who do avail ourselves of the convenience of the telephone system, accept the fact that we may, on occasion, receive a wrong number call or one that we just as soon not have gotten.

You have heard of a small number of people that are waiting an organ transplant and are upset and deeply disappointed when their beeper goes off and they subsequently find that it was not the call they were hoping to get. This is most assuredly a very unfortunate event and something that we all wish wouldn't happen. However, this bill will not prevent those circumstances.

You may hear testimony that in one incident one of these unsolicited calls came to a home where there was a medical emergency and tied up the phone for a brief time when the residents wished to use it to summons help. Again, a regrettable circumstance but one that may never happen again and one that this legislation is unlikely to avert.

At the present, over half of the State of Maine is served by electronic switching equipment and by 1992, every telephone in the state will be served by this equipment. With this machinery, the telephone will automatically disconnect after 11 seconds when you hang up, whether or not the automated call tries to continue. This will eliminate the potential of tying up the phone that might be needed for an emergency purpose.

Furthermore, the Direct Marketing Association, the organization that represents most of the firms engaged in this sort of marketing, is moving rapidly toward the installation of equipment on its own behalf that will disconnect after five seconds.

The same association is also adopting a voluntary code of ethics that will enable any telephone subscriber to have their number excluded from the list they use to select potential customers.

The facts that I have given you might, by themselves, be enough to convince you that the "Ought Not to Pass" Report is the appropriate one. However, they are not the most telling flaws in this proposed legislation. Just last week, we heard in this House the distinguished Representative from Augusta, Representative Paradis, urge this body not to spend its valuable time in this emergency session by enacting unnecessary legislation, an argument that I most wholeheartedly agree with. This bill checks in several notches below unnecessary on the legislative scale at ineffective and, more importantly, unenforceable.

Almost all these calls originate outside the State of Maine. They are therefore regulated by the Federal Communications Commission as a matter of interstate commerce. If legislation is to be enacted regarding this activity, it must come from the federal authorities if it is to have any effect whatsoever.

Secondly, it is impossible for the common carrier, the phone company, to track these calls, that is to prevent them from getting through to your

home. Even more to the point, this bill's inherent weakness, if the call does originate outside the State of Maine, the phone company cannot even determine where it came from, thereby eliminating any possibility of identifying the possible violator of such a law.

The final, and in our opinion, most serious weakness in this well-intentioned but ineffective proposition, lies in its enforcement mechanism. If you receive such a call, and if you are sufficiently annoyed to call the phone company and complain, and if by some unlikely chance the call originated in Maine and if the phone company is able to identify the caller, they will then forward your complaint to your local police department for enforcement. Do you really want to go home and tell your police chief or sheriff that you want he or she to divert some of their already scarce enforcement resources from enforcing the laws against robbery, assault, narcotic violations and so forth to prosecute someone who called you while you were engrossed in watching TV or reading a good book? Do you think there is much likelihood they will do it? The majority of the Business Legislation Committee urges you to defeat the pending motion so that we may proceed to accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a Division. The pending question before the House is the motion of Representative Allen of Washington that the House accept the Minority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative, 61 in the negative, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds" (H.P. 1671) (L.D. 2289) which was passed to be engrossed as amended by Committee Amendment "A" (H-585) in the House on April 4, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-585) as amended by Senate Amendment "A" (S-436) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

House Legislative Sentiment relative to Lewiston and Auburn (HLS 1138) which was passed in the House on April 6, 1988.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The Following Communication:

DEPARTMENT OF FINANCE
STATE HOUSE STATION 78
AUGUSTA, MAINE 04333

April 6, 1988

Representative John Martin
Speaker of the House
Augusta, Maine 04333
Dear Speaker Martin:

Enclosed is a copy of Peat Marwick's report on the Statement of Appropriations and Expenditures for the Legislature and the Executive Department of the

Governor for the two year period ending June 30, 1986. This is the latest biennial audit required by Title 3, MRSA, Section 4.

Sincerely,
S/Jean E. Mattimore
Commissioner

Was read and with accompanying report ordered placed on file.

ORDERS

On motion of Representative STANLEY of Cumberland, the following Joint Resolution: (H.P. 1928) (Cosponsors: Senators DILLENBACK of Cumberland, CLARK of Cumberland, and Representative PARADIS of Augusta)

JOINT RESOLUTION IN RECOGNITION OF
THE HONORABLE EDWARD T. GIGNOUX,
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF MAINE

WHEREAS, "the administration of justice is the firmest pillar of government;" and

WHEREAS, the great strength of the Judiciary rests upon distinguished jurists as exemplified by the Honorable Edward T. Gignoux, Senior United States District Judge of Portland; and

WHEREAS, Judge Gignoux is not only recognized in Maine, but across our vast nation as one of the finest trial judges in America; and

WHEREAS, he is an extraordinary person deserving of the State's highest honor for his immeasurable contributions as head of the United States District Court for the District of Maine for over 3 decades; and

WHEREAS, the State of Maine shall forever be indebted to Judge Gignoux who has enriched this State by his excellence as a judge, as an attorney and as a citizen who has generously provided vital leadership in civic affairs; now, therefore, be it

RESOLVED: That, We the Members of the Senate and House of Representatives of the 113th Legislature of the State of Maine now assembled in Second Regular Session take this special opportunity to recognize the Honorable Edward T. Gignoux of Cumberland-Foreside, a native giant of jurisprudence and certainly one of the finest judges in the federal judiciary, whose deep qualities of heart and mind combined with his mastery of his profession have endeared him for all time to the citizenry of Maine; and be it further

RESOLVED: That a duly attested copy of this resolution be appropriately prepared and presented to Judge Gignoux forthwith with our warmest thanks and appreciation.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative VOSE from the Committee on Judiciary on Bill "An Act Establishing Rights-of-Way for Utilities in Existing Rights-of-Way for Egress and Ingress" (H.P. 1633) (L.D. 2228) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(S.P. 932) (L.D. 2443) Bill "An Act to Amend the Maine Tort Claims Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-433)

(H.P. 1872) (L.D. 2564) Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-653)

(H.P. 1905) (L.D. 2602) Bill "An Act Relating to Periodic Justification of Departments, Agencies and Programs of State Government under the Maine Sunset Laws" Committee on Audit and Program Review reporting "Ought to Pass" as amended by Committee Amendment "A" (H-656)

(H.P. 1861) (L.D. 2559) Bill "An Act to Fund the Office of Child Welfare Services Ombudsman" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 1639) (L.D. 2238) Bill "An Act to Protect the Well-Being of Young Children and to Help Prevent Emotional and Behavioral Disorders" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-658)

(H.P. 1506) (L.D. 2056) Bill "An Act to Supplement Crisis Intervention Services to Penobscot, Piscataquis, Hancock and Washington Counties" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-659)

(H.P. 1472) (L.D. 1983) Bill "An Act to Insure Payment of Reasonable Costs of Operating Boarding Care Facilities" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-660)

(H.P. 1778) (L.D. 2431) Bill "An Act to Fund a Demonstration Teaching Nursing Home" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-661)

(H.P. 1612) (L.D. 2205) Bill "An Act to Establish Child Care Availability for Individuals in the Substance Abuse Treatment System" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-662)

(H.P. 1548) (L.D. 2108) Bill "An Act to Provide Prevocational Services for Persons with Long-Term Mental Illness" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-663)

(H.P. 1786) (L.D. 2447) Bill "An Act to Revise Exemptions Under the Law Relating to the Commercial Transport of Water and to Create the Maine Water Supply Study Commission" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-664)

Under suspension of the rules, Second Day Consent Calendar notification was, House Papers were passed to be engrossed as amended and sent up for concurrence and the Senate Paper was passed to be engrossed as amended in concurrence.

PASSED TO BE ENACTED
Emergency Measure

An Act to Ensure Local Participation on the Radiological Emergency Preparedness Committee (H.P. 1706) (L.D. 2343) (H. "B" H-635)

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

FINALLY PASSED
Emergency Measure

RESOLVE, Creating the Commission to Study Private Ways and Private Roads (H.P. 1922) (L.D. 2622)

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. 117 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.

PASSED TO BE ENACTED

An Act to Enhance Outdoor Recreation Opportunities (S.P. 889) (L.D. 2301) (H. "A" H-621 to C. "A" S-363)

An Act to Improve the Potato Marketing Improvement Fund (H.P. 1618) (L.D. 2211) (C. "A" H-639)

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.

ORDERS OF THE DAY
UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue 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 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 (Emergency) (H.P. 1503) (L.D. 2053) (C. "A" H-599) TABLED - April 11, 1988 (Till Later Today) by Representative DIAMOND of Bangor.
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. 117 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.

The Chair laid before the House the second item of Unfinished Business:

An Act to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws (Emergency) (H.P. 1767) (L.D. 2420) (C. "A" H-611) TABLED - April 11, 1988 (Till Later Today) by Representative DIAMOND of Bangor.
PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2420 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-611) was adopted.

The same Representative offered House Amendment "A" (H-654) to Committee Amendment "A" (H-611) and moved its adoption.

House Amendment "A" (H-654) to Committee Amendment "A" (H-611) 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.

The Chair laid before the House the third item of Unfinished Business:

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

TABLED - April 11, 1988 (Till Later Today) by Representative PARADIS of Augusta.

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. 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.

The Chair laid before the House the fourth item of Unfinished Business:

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

TABLED - April 11, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

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 item of Unfinished Business:

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

TABLED - April 11, 1988 (Till Later Today) 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 item of Unfinished Business:

An Act Relating to the Maine Uniform Transfers to Minors Act (H.P. 642) (L.D. 865) (C. "A" H-602)

TABLED - April 11, 1988 (Till Later Today) by Representative PARADIS of Augusta.

PENDING - Passage to be Enacted.

On motion of Representative Brown of Gorham, under suspension of the rules, the House reconsidered its action whereby L.D. 865 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-615) and moved its adoption.

House Amendment "A" (H-615) was read by the Clerk and adopted.

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

The Chair laid before the House the seventh item of Unfinished Business:

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 11, 1988 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2374 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-597) was adopted.

The same Representative offered House Amendment "A" (H-650) to Committee Amendment "A" (H-597) and moved its adoption.

House Amendment "A" (H-650) to Committee Amendment "A" (H-597) 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.

The Chair laid before the House the eighth item of Unfinished Business:

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 11, 1988 (Till Later Today) 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 specially assigned for Wednesday, April 13, 1988.

TABLED AND TODAY ASSIGNED

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

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

TABLED - April 11, 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 second Tabled and Today assigned matter:

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

TABLED - April 11, 1988 by Representative ALLEN of Washington.

PENDING - Final Passage.

On motion of Representative Allen of Washington, retabled pending final passage and specially assigned for Wednesday, April 13, 1988.

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

An Act Relating to 6-Axle Vehicles Carrying General Commodities (H.P. 1919) (L.D. 2618)
TABLED - April 11, 1988 by Representative RACINE of Biddeford.

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 fourth Tabled and Today assigned matter:

An Act to Recodify the Laws on Municipalities and Counties (H.P. 1855) (L.D. 2538)
TABLED - April 11, 1988 by Representative CARROLL of Gray.

PENDING - Passage to be Enacted.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following item: An Act to Amend the Rehabilitation System under the Workers' Compensation Act (Emergency) (H.P. 1915) (L.D. 2614) (S. "A" S-416; H. "A" H-614) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby L.D. 2614 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-657) and moved its adoption.

House Amendment "B" (H-657) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Men and Women of the House: This amendment merely adds a fiscal note providing funds for the fiscal year '88 for the Subcommittee on Rehabilitation which was inadvertently left off the bill.

Subsequently, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" (S-416) and House Amendments "A" (H-614) and "B" (H-657) thereto in non-concurrence and sent up for concurrence.

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

(At Ease)

The House was called to order by the Speaker.

Reference is made to (S.P. 947) (L.D. 2501) Bill "An Act to Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education"

In reference to the action of the House on April 11, whereby it Insisted and Joined in a Committee of

Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative O'GARA of Westbrook
Representative KILKELLY of Wiscasset
Representative NORTON of Winthrop

Reference is made to (H.P. 1799) (L.D. 2463) Bill "An Act to Fund a Supplemental Highway Program and to Establish a Program to Fund the Construction of Extraordinary Bridges" (Emergency)

In reference to the action of the House on April 11, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative LISNIK of Presque Isle
Representative DIAMOND of Bangor
Representative CASHMAN of Old Town

(At Ease)

The House was called to order by the Speaker.

Bill Held

An Act to Improve the Potato Marketing Improvement Fund (H.P. 1618) (L.D. 2211) (C. "A" H-639)

On motion of Representative Tardy of Palmyra, the House reconsidered its action whereby L.D. 2211 was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 2211 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-639) was adopted.

The same Representative offered House Amendment "A" (H-671) to Committee Amendment "A" (H-639) 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.

The Chair laid before the House the following matter: An Act to Clarify the Law Governing Prelitigation Screening Panels (Emergency) (S.P. 711) (L.D. 1941) (C. "A" S-395) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1941 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" (S-395) was adopted.

The same Representative offered House Amendment "A" (H-675) to Committee Amendment "A" (S-395) 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.

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

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Clarify the Definition of Earnable Compensation" (H.P. 1826) (L.D. 2502) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-624) in the House on April 8, 1988.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-624) and Senate Amendments "A" (S-420) and "B" (S-445) in non-concurrence.

The House voted to recede and concur.

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

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 12, 1988
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today 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 Clarify and Correct Errors and Omissions and to Improve the Laws Relating to Education" (S.P. 947) (L.D. 2501):

Senator ESTES of York
Senator KANY of Kennebec
Senator RANDALL of Washington

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act Relating to Stockholder Initiatives on State Investments in Northern Ireland" (S.P. 994) (L.D. 2628)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Under suspension of the rules and without reference to any committee, the Bill was read twice, passed to be engrossed in non-concurrence and sent up for concurrence.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on Bill "An Act to Create a Home-Based Treatment and Education Demonstration Program for Persons with Mental Illness and their Families" (Emergency) (S.P. 898) (L.D. 2334).

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-442).

Report was read and accepted, the Bill read once. Senate Amendment "A" (S-442) 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 Senate Amendment "A" in concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Improve Services for Maine's Elderly" (S.P. 943) (L.D. 2490)

Signed:

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

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

Signed:

Senators: TWITCHELL of Oxford
DOW of Kennebec
Representative: DUFFY of Bangor

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-432).

Reports were read.

On motion of Representative Swazey of Bucksport, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Consolidate State Land Use Statutes into the Natural Resources Protection Act" (H.P. 1687) (L.D. 2316) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-641) in the House on April 7, 1988.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-641) as amended by Senate Amendment "A" (S-437) thereto in non-concurrence.

The House voted to recede and concur.

Bill "An Act to Authorize the Annexation of Cove Point Township by the Town of Greenville" (H.P. 1929) (L.D. 2629) (Presented by Representative GOULD of Greenville) (Cosponsor: President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Committee on Reference of Bills had suggested the Committee on State and Local Government.)

Under suspension of the rules and without reference to any committee, the Bill was read once and assigned for second reading Wednesday, April 13, 1988.

The following item appearing on Supplement 2 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 1737) (L.D. 2382) Bill "An Act Concerning Shoreline Alteration of Artificially Created Great Ponds" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-666)

(H.P. 1510) (L.D. 2060) Bill "An Act to Limit Rent Increases in Mobile Home Parks" (Emergency) Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-668)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

ORDERS

On motion of Representative PARADIS of Augusta, the following Order:

ORDERED, that the Clerk of the House be authorized to furnish 100 25 cent stamps for each member of the House.

Was read and passed.

Bill Held

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

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby L.D. 2452 was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 2452 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-676) and moved its adoption.

House Amendment "A" (H-676) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-600) and House Amendment "A" (H-676) thereto in non-concurrence and sent up for concurrence.

On motion of Representative Jacques of Waterville, Adjourned until Wednesday, April 13, 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
Tuesday
April 12, 1988

Senate called to Order by the President.

Prayer by Reverend Arthur St. Pierre of the Immaculate Heart of Mary Catholic Church in Fairfield.

REVEREND ST. PIERRE: Let us pray. Heavenly Father we ask you to bless our nation and our state and especially our senators that they work for the good of the State of Maine. As they deliberate on the needs of the people of our state, fill them with wisdom that they may see that which is right and the courage to champion the things that are right. Help us always to be grateful for the beauty of our state and to protect that beauty with all our strength. Grant that under Your providence our state will always receive Your blessing and protection. This we ask in Jesus name. 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.

On motion by Senator GILL of Cumberland, RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Amend the Regulation of Lobster Parts"

H.P. 1584 L.D. 2162
(C "A" H-595)

In Senate, April 5, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595) AS AMENDED BY HOUSE AMENDMENT "A" (H-649) thereto, in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Establish On-Site Day Care at the Capitol Complex"

H.P. 1678 L.D. 2307
(S "A" S-425 and S "B" S-427 to C "A" H-625)

In House, April 6, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).

In Senate, April 8, 1988, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625) AS