

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 5, 1990 to May 20, 1991

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

In Senate Chamber
Wednesday
March 13, 1991

Senate called to Order by the President.

Prayer by The Honorable Nancy Randall Clark of Cumberland.

SENATOR NANCY RANDALL CLARK: Shall we be in a spirit of prayer. O God, sometimes we are filled with conflicting feelings and desires. Even a little bitterness. Help us today, Lord, to put away these things, cleanse us and renew us so that we think about and listen to the opinions of others. Set in our hearts and attitude acceptance and new beginnings. Yes, even a resolution of the Supplemental Budget issue in Your name. Amen.

Reading of the Journal of Thursday, February 28, 1991.

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

ORDERS

Joint Orders

On motion by Senator **PEARSON** of Penobscot the following Joint Order:

S.P. 414

ORDERED the House concurring, that Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (Emergency) H.P. 192 L.D. 274, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ**.

THE PRESIDENT: The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15, this Joint Order requires a two-thirds vote of those present and voting.

Will all of those members in favor of **PASSAGE**, please rise and remain standing in your place until counted.

Will all those opposed please rise in their places and remain standing until counted.

31 Senators having voted in the affirmative and No Senators having voted in the negative, The Joint Order, pursuant to Joint Rule 15, was **PASSED**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (Emergency)

S.P. 319 L.D. 857

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

In Senate, February 28, 1991, referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, the Senate **ADHERED** in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.P. 337

115TH MAINE LEGISLATURE

February 28, 1991

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Betty Sawyer of Jonesport for reappointment to the Animal Welfare Board.

Pursuant to Title 7, MRSA Section 3903, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **AGRICULTURE**.

Sent down for concurrence.

The Following Communication: S.P. 344

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

March 4, 1991

The Honorable Charles P. Pray
President of the Senate
115th Legislature

The Honorable John L. Martin
Speaker of the House
115th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four bills and one resolve were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on March 4, 1991, as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Provide Property Tax Relief by Providing Funds for County Jails" (Emergency) (S.P. 341) (L.D. 931) (Presented by Senator PEARSON of Penobscot) (Cosponsored by Senator BUSTIN of Kennebec, Representative CARROLL of Gray, Senator COLLINS of Aroostook, Representative SIMONDS of Cape Elizabeth and Representative COLES of Harpswell)

EDUCATION

Bill "An Act to Clarify the Certification of Correspondence Schools" (S.P. 340) (L.D. 930) (Presented by Senator BRAUN of Knox) (Cosponsored by Senator ESTES of York and Representative HANDY of Lewiston) (Submitted by the Department of Education pursuant to Joint Rule 24.)

JUDICIARY

Bill "An Act to Revise Provisions for a New Birth Certificate after Adoption" (S.P. 339) (L.D. 929) (Presented by Senator SUMMERS of Cumberland) (Cosponsored by Representative AIKMAN of Poland and Representative KETOVER of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Promote Equity in Court Filing Fees" (S.P. 343) (L.D. 933) (Presented by Senator GAUVREAU of Androscoggin) (Cosponsored by Senator CONLEY of Cumberland, Representative OTT of York and Representative LIPMAN of Augusta)

LABOR

Resolve, to Establish the Task Force on Local Public Employee Collective Bargaining (Emergency) (S.P. 342) (L.D. 932) (Presented by Senator PEARSON of Penobscot) (Cosponsored by Representative CAHILL of Mattawamkeag, Representative NADEAU of Saco and Senator ESTY of Cumberland)

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

S/Edwin H. Pert
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 347

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

March 5, 1991

The Honorable Charles P. Pray
President of the Senate
115th Legislature

The Honorable John L. Martin
Speaker of the House
115th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on March 5, 1991, as follows:

ENERGY AND NATURAL RESOURCES

Bill "An Act to Amend the Voter Ratification Provisions of the Low-level Radioactive Waste Laws" (Emergency) (S.P. 346) (L.D. 946) (Presented by Senator PEARSON of Penobscot) (Cosponsored by Representative HICHBORN of Howland, Representative CAHILL of Mattawamkeag and Representative O'DEA of Orono)

TAXATION

Bill "An Act Regarding Leased Equipment" (S.P. 345) (L.D. 945) (Presented by Senator BOST of Penobscot) (Cosponsored by Representative CASHMAN of Old Town, Senator ESTY of Cumberland and Representative RUHLIN of Brewer)

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

S/Edwin H. Pert
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 368

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

March 6, 1991

The Honorable Charles P. Pray
President of the Senate
115th Legislature

The Honorable John L. Martin
Speaker of the House
115th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today fifteen bills and five resolves were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on March 6, 1991, as follows:

AGING, RETIREMENT AND VETERANS

Bill "An Act to Permit Earlier Repayment of Contributions to the Maine State Retirement System" (S.P. 359) (L.D. 961)(Presented by Senator CLARK of Cumberland) (Cosponsored by Representative JALBERT of Lisbon, Representative AULT of Wayne and Representative HEINO of Boothbay)

Bill "An Act to Provide for the Payment of Late Fees by School Administrative Units and Participating Local Districts That Are Delinquent in Paying Contributions to the Maine State Retirement System" (S.P. 361) (L.D. 963)(Presented by Senator THERIAULT of Aroostook)

BUSINESS LEGISLATION

Bill "An Act to Exempt Certain Persons from the Counselors Licensure Laws" (S.P. 357) (L.D. 959)(Presented by Senator BALDACCI of Penobscot) (Cosponsored by Senator CLARK of Cumberland)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Set a Moratorium on Issuing Permits for Septic Tanks" (S.P. 356) (L.D. 958)(Presented by Senator BERUBE of Androscoggin)

FISHERIES AND WILDLIFE

Bill "An Act to Require Hunters to Wear Fluorescent Orange in all Hunting Seasons" (S.P. 363) (L.D. 965)(Presented by Senator CONLEY of Cumberland)

HUMAN RESOURCES

Bill "An Act to Clarify the Misbranded Food Laws" (S.P. 354) (L.D. 956)(Presented by Senator BALDACCI of Penobscot)

JUDICIARY

Bill "An Act to Amend the Maine Court Facilities Authority" (S.P. 358) (L.D. 960)(Presented by Senator CONLEY of Cumberland)

Bill "An Act to Ensure Timely and Equitable Treatment of Discrimination Complaints Made to the Maine Human Rights Commission" (S.P. 362) (L.D. 964)(Presented by Senator CONLEY of Cumberland) (Cosponsored by Senator GAUVREAU of Androscoggin and Representative HANDY of Lewiston)

LABOR

Bill "An Act to Improve and Expand Job Training Opportunities for Maine Citizens" (Emergency) (S.P. 366) (L.D. 968)(Presented by Senator ESTY of Cumberland) (Cosponsored by Representative CLARK of Brunswick, Representative RAND of Portland and Speaker MARTIN of Eagle Lake)

LEGAL AFFAIRS

Resolve, Authorizing Kathleen Maynard and Howard Briggs to Sue the State (S.P. 348) (L.D. 950)(Presented by Senator CONLEY of Cumberland)

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco (S.P. 349) (L.D. 951)(Presented by Senator CONLEY of Cumberland)

Resolve, Authorizing a Payment to Steven P. Smith and Ramona Smith of \$47,908.06 (S.P. 350) (L.D. 952)(Presented by Senator TWITCHELL of Oxford)

Bill "An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine" (S.P. 353) (L.D. 955)(Presented by Senator CAHILL of Sagadahoc) (Cosponsored by Representative JALBERT of Lisbon)

Resolve, to Allow Scott Keirstead and Don Keirstead, Who Are a Partnership Farming Operation Located in Presque Isle, Known as Keirstead Farm, to Bring a Civil Action against the State (S.P. 360) (L.D. 962)(Presented by Senator PEARSON of Penobscot)

MARINE RESOURCES

Bill "An Act Proposing a License Cap to Manage the Lobster Fishing Effort Through the Limited Issuance of Licenses" (S.P. 365) (L.D. 967)(Presented by Senator BRAUN of Knox) (Cosponsored by Representative CARROLL of Southwest Harbor and Representative SKOGLUND of St. George)

STATE AND LOCAL GOVERNMENT

Bill "An Act Concerning Transfer of Development Rights" (S.P. 351) (L.D. 953)(Presented by Senator BRAUN of Knox)

TAXATION

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 367) (L.D. 969)(Presented by Senator COLLINS of Aroostook) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

TRANSPORTATION

Bill "An Act Directing the Department of Transportation to Erect Signs on Interstate 95 Identifying the Fort Halifax Historic Site" (S.P. 352) (L.D. 954)(Presented by Senator PEARSON of Penobscot)

Bill "An Act to Provide Funding to Offset Rising Costs and Decreasing Federal Revenues for Public Transportation in the State" (S.P. 364) (L.D. 966)(Presented by Senator CLARK of Cumberland) (Cosponsored by Representative TREAT of Gardiner and Representative SIMONDS of Cape Elizabeth)

UTILITIES

Bill "An Act to Authorize the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Water District" (Emergency) (S.P. 355) (L.D. 957)(Presented by President PRAY of Penobscot) (Cosponsored by Representative HUSSEY of Milo)

Sincerely,

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

S/Edwin H. Pert
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 376

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

March 7, 1991

The Honorable Charles P. Pray
President of the Senate
115th Legislature

The Honorable John L. Martin
Speaker of the House
115th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 6 bills and 1 resolve were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on March 7, 1991, as follows:

HUMAN RESOURCES

Bill "An Act to Establish the Maine Primary Care Residency Training Assistance Program" (S.P. 374) (L.D. 999) (Presented by Senator CLARK of Cumberland) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator GILL of Cumberland and Representative RYDELL of Brunswick)

LABOR

Bill "An Act to Provide Provisional Orders for Workers' Compensation Cases" (S.P. 373) (L.D. 998) (Presented by Senator CONLEY of Cumberland) (Cosponsored by Speaker MARTIN of Eagle Lake)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services" (Emergency) (S.P. 370) (L.D. 995) (Presented by President PRAY of Penobscot) (Cosponsored by Senator DUTREMBLE of York, Representative JOSEPH of Waterville and Representative LARRIVEE of Gorham)

Resolve, to Permit Certain Uses of the State Seal (Emergency) (S.P. 371) (L.D. 996) (Presented by Senator MATTHEWS of Kennebec)

TAXATION

Bill "An Act Concerning Health Care Insurance" (S.P. 372) (L.D. 997) (Presented by Senator MATTHEWS of Kennebec)

Bill "An Act Concerning the Sales and Use Tax on Aircraft Parts" (S.P. 375) (L.D. 1009) (Presented by Senator BALDACCI of Penobscot) (Cosponsored by Representative LEBOWITZ of Bangor and President PRAY of Penobscot)

TRANSPORTATION

Bill "An Act to Amend the Maine Traveler Information Services Laws" (S.P. 369) (L.D. 994) (Presented by Senator BUSTIN of Kennebec) (Cosponsored by Senator TWITCHELL of Oxford)

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
S/Edwin H. Pert
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 394

115TH MAINE LEGISLATURE

March 7, 1991

Senator Georgette B. Berube
Representative Ruth Joseph
Chairpersons
Joint Standing Committee on State and Local Government
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that the Commissioner of Public Safety, with the advice and consent of the Governor, has nominated Captain Andrew E. Demers, Jr. of New Gloucester for reappointment as Chief of the Maine State Police.

Pursuant to Title 25, MRSA Section 1501, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

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

Which was **READ** and **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

The Following Communication: S.P. 393

115TH MAINE LEGISLATURE

March 8, 1991

The Honorable Charles P. Pray
President of the Senate
115th Legislature

The Honorable John L. Martin
Speaker of the House
115th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 14 bills, 1 resolve and 1 resolution were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on March 8, 1991, as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Initial Capitalization of a Public Mutual Insurance Company to Provide Workers' Compensation Insurance to Employers in this State" (S.P. 392) (L.D. 1069) (Presented by Senator CONLEY of Cumberland) (Cosponsored by Senator BUSTIN of Kennebec and Representative ERWIN of Rumford)

BANKING AND INSURANCE

Resolution, Proposing an Amendment to the Constitution of Maine to Ensure the Financial Integrity of Any Public Mutual Insurance Company Established to Provide Workers' Compensation Insurance (S.P. 387) (L.D. 1064) (Presented by Senator CONLEY of Cumberland) (Cosponsored by Senator BUSTIN of Kennebec and Representative KETOVER of Portland)

BUSINESS LEGISLATION

Bill "An Act Relating to Real Estate Broker Disclosure" (S.P. 390) (L.D. 1067) (Presented by Senator BRANNIGAN of Cumberland) (Cosponsored by Representative GRAHAM of Houlton)

EDUCATION

Bill "An Act to Revise the Laws Concerning Innovative Educational Grants" (S.P. 377) (L.D. 1054) (Presented by Senator GILL of Cumberland) (Cosponsored by Senator ESTES of York and Representative O'GARA of Westbrook) (Submitted by the Department of Education pursuant to Joint Rule 24.

ENERGY AND NATURAL RESOURCES

Bill "An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment" (S.P. 386) (L.D. 1063) (Presented by Senator MILLS of Oxford) (Cosponsored by Senator TITCOMB of Cumberland and Representative HOGLUND of Portland)

FISHERIES AND WILDLIFE

Bill "An Act to Protect the Public's Rights on Whitewater Rivers of the State" (S.P. 378) (L.D. 1055) (Presented by Senator CLARK of Cumberland) (Cosponsored by Senator TWITCHELL of Oxford and Representative CLARK of Millinocket)

HUMAN RESOURCES

Bill "An Act Concerning Income Eligibility for General Assistance" (S.P. 389) (L.D. 1066) (Presented by Senator THERIAULT of Aroostook) (Cosponsored by Senator COLLINS of Aroostook and Representative TAMMARO of Baileyville)

JUDICIARY

Bill "An Act Relating to the Finalization of Divorces" (S.P. 388) (L.D. 1065) (Presented by Senator GAUVREAU of Androscoggin) (Cosponsored by Representative COTE of Auburn)

Bill "An Act to Permit Collateral Source Evidence in Civil Actions" (S.P. 391) (L.D. 1068) (Presented by Senator HOLLOWAY of Lincoln) (Cosponsored by Representative COTE of Auburn)

LABOR

Bill "An Act to Amend the Workers' Compensation Act to Provide for Fair Minimum Benefits" (S.P. 382) (L.D. 1059) (Presented by Senator CONLEY of Cumberland) (Cosponsored by Representative MCKEEN of Windham)

TAXATION

Bill "An Act to Establish Tax Credits for Capital Investment in Aircraft" (S.P. 379) (L.D. 1056) (Presented by Senator BRAUN of Knox) (Cosponsored by Senator COLLINS of Aroostook)

Bill "An Act to Modify the Maine Residents Property Tax Program" (S.P. 385) (L.D. 1062) (Presented by Senator CLARK of Cumberland) (Cosponsored by Senator BERUBE of Androscoggin and Representative DORE of Auburn)

TRANSPORTATION

Resolve, to Name the Bridge Spanning the Little Madawaska River in Caribou the "B. Morrell Bridge" (S.P. 380) (L.D. 1057) (Presented by Senator COLLINS of Aroostook) (Cosponsored by Representative BELL of Caribou and Representative ANDERSON of Woodland)

Bill "An Act to Mandate the Use of Seat Belts" (S.P. 381) (L.D. 1058) (Presented by Senator BRANNIGAN of Cumberland) (Cosponsored by Senator COLLINS of Aroostook)

Bill "An Act to Prohibit Passengers under 10 Years of Age on Motorcycles" (S.P. 384) (L.D. 1061) (Presented by Senator FOSTER of Hancock)

UTILITIES

Bill "An Act to Create a Limited Right of Entry" (S.P. 383) (L.D. 1060) (Presented by Senator BALDACCI of Penobscot) (Cosponsored by Senator VOSE of Washington)

Sincerely,

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

S/Edwin H. Pert
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

Sent down for concurrence.

The Following Communication: S.P. 409

**SENATE OF MAINE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

March 11, 1991

The Honorable Charles P. Pray
President of the Senate
115th Legislature

The Honorable John L. Martin
Speaker of the House
115th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today 13 bills and 1 resolve were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on March 11, 1991, as follows:

AGING, RETIREMENT AND VETERANS

Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage" (S.P. 396) (L.D. 1072) (Presented by Senator CAHILL of Sagadahoc) (Cosponsored by Senator CLARK of Cumberland, Senator WEBSTER of Franklin and Representative AULT of Wayne)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Increase the Borrowing Authority of the University of Maine System" (Emergency) (S.P. 406) (L.D. 1082) (Presented by Senator PEARSON of Penobscot)

BANKING AND INSURANCE

Bill "An Act Regarding a 10% Rollback on Automobile Insurance Rates" (S.P. 405) (L.D. 1081) (Presented by Senator BRANNIGAN of Cumberland) (Cosponsored by Representative MARSANO of Belfast)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Ensure Voter Participation in the Siting of Both Storage and Disposal of Radioactive Waste" (S.P. 407) (L.D. 1083) (Presented by Senator MILLS of Oxford) (Cosponsored by Speaker MARTIN of Eagle Lake, Representative HOLT of Bath and Senator LUDWIG of Aroostook)

HUMAN RESOURCES

Bill "An Act to Ensure Patient Access to Inpatient Psychiatric Services" (S.P. 395) (L.D. 1071) (Presented by Senator GILL of Cumberland) (Cosponsored by Representative KETOVER of Portland, Representative ANTHONY of South Portland and Representative MITCHELL of Vassalboro)

Bill "An Act to Maintain Appropriate Residential Care to Clients of Pineland Center" (S.P. 398) (L.D. 1074) (Presented by Senator GAUVREAU of Androscoggin) (Cosponsored by Representative MANNING of Portland, Representative CARROLL of Gray and Senator GILL of Cumberland)

Bill "An Act to Require the Department of Human Services to Adopt Criteria for Competitive Reviews of Hospital Certificate of Need Projects and for Other Purposes" (S.P. 404) (L.D. 1080) (Presented by Senator FOSTER of Hancock) (Cosponsored by Representative CONSTANTINE of Bar Harbor, Representative CARROLL of Southwest Harbor and Senator PEARSON of Penobscot)

JUDICIARY

Bill "An Act to Allow the Suspension of Fines in Certain Cases" (S.P. 399) (L.D. 1075) (Presented by Senator CONLEY of Cumberland)

LABOR

Bill "An Act to Protect Private Sector Workers against Unjust Discharge" (S.P. 397) (L.D. 1073) (Presented by Senator CONLEY of Cumberland) (Cosponsored by Representative RUHLIN of Brewer)

LEGAL AFFAIRS

Resolve, Authorizing Pamela LaTourneau, as Personal Representative of the Estate of Richard LaTourneau III, and Pamela LaTourneau and Richard LaTourneau, Jr. to Bring Civil Action against the State (S.P. 400) (L.D. 1076) (Presented by Senator CONLEY of Cumberland)

Bill "An Act to Allow Ballot Clerks Access to Ballots Up to 2 Hours before the Polls Open" (S.P. 402) (L.D. 1078) (Presented by Senator TITCOMB of Cumberland) (Cosponsored by Representative SIMPSON of Casco and Representative KONTOS of Windham)

Bill "An Act to Improve the Efficiency of Voter Registration" (S.P. 408) (L.D. 1084) (Presented by Senator BERUBE of Androscoggin) (Cosponsored by Senator EMERSON of Penobscot, Representative LOOK of Jonesboro and Representative ROTONDI of Athens)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Require Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules" (S.P. 403) (L.D. 1079) (Presented by Senator PEARSON of Penobscot) (Cosponsored by Senator EMERSON of Penobscot, Representative JOSEPH of Waterville, Representative LORD of Waterboro and President PRAY of Penobscot)

UTILITIES

February 27, 1991

Bill "An Act to Regulate Cellular Telephone Rates" (S.P. 401) (L.D. 1077) (Presented by Senator DUTREMBLE of York)

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

S/Edwin H. Pert
Clerk of the House

Senator Charles P. Pray
President of the Senate
Maine State Legislature
State House Station #3
Augusta, ME 04333-0002

Dear Senator Pray:

Enclosed please find a copy of the fifth Annual Report of the State of Maine's Self-Insured Workers' Compensation Program for year 1989-90 prepared by the Bureau's Workers' Compensation Division.

If you have any questions regarding this information, please do not hesitate to contact this office.

Sincerely yours,

S/Frank A. Johnson
Director Bureau of
State Employee Health

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

Which was **READ** and **ORDERED PLACED ON FILE.**

Sent down for concurrence.

The Following Communication:

**DEPARTMENT OF LABOR
P.O. BOX 309
AUGUSTA, MAINE 04332-0309**

March 1, 1991

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

Dear President Pray:

I am pleased to submit the Department of Labor's annual report on the Dislocated Worker Benefits (DWB) Program for 1990, in accordance with 26 MRSA section 1196, subsection 2.

If you have any questions or comments about this report, please do not hesitate to contact me.

Sincerely,

S/Charles A. Morrison
Commissioner

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

The Following Communication:

**MAINE STATE HOUSING AUTHORITY
295 WATER STREET
P.O. BOX 2669
AUGUSTA, MAINE 04338-2669**

February 28, 1991

Governor John R. McKernan
President Charles Pray
Speaker John Martin
State House Station 1
Augusta, ME 04333

Dear Governor McKernan, President Pray, Speaker Martin:

I am pleased to provide you with the report required by Title 30-A, Section 4753, subsection 2 of the Maine Revised Statutes.

This report, which was developed with the assistance of the State Planning Office, Department of Economic and Community Development, and Maine Municipal Association, assesses the availability and quality of information on the supply, prices, condition and age of the State's housing. Priorities highlighted in the report include the need for a statewide data catalog, local income data and rental vacancy and cost information. The report also recommends a course of action to develop sources that fill the identified housing data gaps.

The Following Communication:

**DEPARTMENT OF ADMINISTRATION
BUREAU OF STATE EMPLOYEE HEALTH
STATE HOUSE STATION 122
AUGUSTA, MAINE 04333**

We look forward to meeting Maine's housing data needs and would welcome any comments that you might have.

March 6, 1991

Sincerely,

S/Dwight A. Sewell
Director

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

Dear Senator Pray:

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

Pursuant to Public Law 1990, Ch. 869, sec. A-22, we have submitted to the Joint Standing Committee on Energy and Natural Resources a report on the expenditure of all funds from the Maine Solid Waste Management Fund for FY 1990 and the first six months of FY 1991.

We are pleased to submit a copy of this report to you.

The Following Communication:

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
STATE HOUSE STATION 38
AUGUSTA, MAINE 04333**

Sincerely,

S/Sherry F. Huber
Executive Director

February 28, 1991

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

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

The Following Communication:

**STATE OF MAINE
MAINE WASTE MANAGEMENT AGENCY
STATE HOUSE STATION 154
AUGUSTA, MAINE 04333**

Dear President Pray:

Pursuant to Title 5 MRSA, Part 15-B, I am submitting to the Legislature the enclosed Findings and Recommendations and accompanying technical reports by the Water Resources Management Board.

Additional copies of these reports are available from the State Planning Office.

March 8, 1991

Sincerely,

S/Richard H. Silkman
Chair
Water Resources
Management Board

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

Dear President Pray:

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

In accordance with Public Law 1989, chapter 585, Part A, section 10, we are pleased to submit a report on the change in the relative number of plastic versus paper bags used by retail outlets in response to the enactment of Title 38, section 1605. The study provides estimates of plastic and paper bag use before and after the effective date of section 1605 and also includes an overview of the use, disposal, recycling and cost characteristics of plastic and paper bags.

The Following Communication:

**STATE OF MAINE
MAINE WASTE MANAGEMENT AGENCY
STATE HOUSE STATION 154
AUGUSTA, MAINE 04333**

I would like to suggest this report be read within the context offered by the authors of a 1988 German government report comparing the effects on the environment from paper and plastic bags: "Any relief of the strain on the environment worth mentioning is only achieved when a carrier bag is used which can be used repeatedly."

I agree with this viewpoint and hope that the use of reusable shopping bags by Maine consumers can be encouraged and increased. While we debate the relative merits of paper and plastic bags, let's not lose sight of the waste management option with the greatest environmental impact, waste reduction.

Sincerely,

S/Sherry F. Huber
Executive Director

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

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

Off Record Remarks

SENATE PAPERS

Bill "An Act to Provide Public Access One Weekend a Month to the Veterans' Memorial Cemetery"
S.P. 334 L.D. 909

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **JACQUES** of Waterville, Senator **MCCORMICK** of Kennebec and Senator **CLARK** of Cumberland

Bill "An Act to Amend the Disability Provisions of the Maine State Retirement System Laws"
S.P. 411 L.D. 1125

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **RICH** of Cumberland, Representative **O'DEA** of Orono and Representative **STEVENSON** of Unity

Which were referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Provide for a Minimum Level of Compensation for Cooperating and Supervisory Teachers of Student Teachers"

S.P. 412 L.D. 1126

Presented by Senator **BOST** of Penobscot
Cosponsored by Senator **ESTES** of York, Representative **HANDY** of Lewiston and Representative **NORTON** of Winthrop

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Provide Funds to Dental Clinics"
S.P. 333 L.D. 908

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Representative **LEBOWITZ** of Bangor and Representative **DUFFY** of Bangor

Which was referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Amend the Maximum Number of Benefit Weeks for Partial Disability Under the Workers' Compensation Act"

S.P. 336 L.D. 911

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Senator **ESTY** of Cumberland, Representative **MCHENRY** of Madawaska and Representative **MCKEEN** of Windham

Bill "An Act to Increase the Probationary Period for Police Officers"

S.P. 413 L.D. 1127

Presented by Senator **ESTY** of Cumberland
Cosponsored by Representative **LARRIVEE** of Gorham and Senator **CLEVELAND** of Androscoggin

Which were referred to the Committee on **LABOR** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act Concerning the Maine Turnpike Authority"

S.P. 410 L.D. 1124

Presented by Senator **MILLS** of Oxford
Cosponsored by Representative **BOUTILIER** of Lewiston and Senator **GOULD** of Waldo

Which was referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Encourage Internal Audit of Utility Operations"

S.P. 335 L.D. 910

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Representative **AIKMAN** of Poland

Which was referred to the Committee on **UTILITIES**
and **ORDERED PRINTED**.

Sent down for concurrence.

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

Off Record Remarks

ORDERS

Joint Orders

On motion by Senator **BUSTIN** of Kennebec the following Joint Order:

S.P. 415

ORDERED, the House concurring, that Bill "An Act to Ensure Access to Boards of Directors," S.P. 38, L.D. 60, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ**.

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

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that this Bill did receive a unanimous Ought Not To Pass Report back in February. I was wondering if we can be enlightened why we need to pull this back out of Committee.

THE PRESIDENT: The Chair would state that is the purpose of Joint Rule 15 and why it would require a two-thirds vote. Senator Cahill of Sagadahoc has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It is my understanding that there was information that should have been presented to members of the Committee that were present for the work session, that wasn't presented to them, but was presented to others that weren't at the work session. The Committee did vote on it, the Committee was unanimous in its opposition,

but the information presents it from a much different prospective than the issue which the Committee dealt with. We are willing to look at another amendment that is going to be offered on this matter to see if it in fact goes at it from another particular angle. But we were unanimous in our opposition to it. It is unusual for this process to go forward, but since there was not that much in the Legislature, there was no particular earth shattering need not to.

THE PRESIDENT: The pending question before the Senate is **PASSAGE**. Pursuant to Joint Rule 15, this Joint Order requires a two-thirds vote of those present and voting.

Will all of those members in favor of **PASSAGE**, please rise and remain standing in your place until counted.

Will all those opposed please rise in their places and remain standing until counted.

31 Senators having voted in the affirmative and No Senators having voted in the negative, The Joint Order, pursuant to Joint Rule 15, was **PASSED**.

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

Senator **PEARSON** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I shall be brief, but there are important things that also happen outside of the Maine Senate. One of those important things occurred just this last week when the Old Town High School boys team became Eastern Maine Basketball Champions.

They did that after a very successful year, and nothing I think brings a community together, in Maine, anyway, like a successful basketball team. The boys on that team will now be facing the team from Biddeford. If you would just take a second to look at the Senator from York, Senator Dutremble, and he looks, as I am sure you have noticed, like a picture of health and robust, and all that. I would like to have you remember that picture of him, because it may not be the same when he appears here next week. We are intending to defeat the team from Biddeford. Senator Dutremble and I have entered into a bet. The bet, Mr. President, men and women of the Senate, is an Old Town Canoe paddle against a dinner on board of his luxurious yacht, The Illustrious Dream. I am looking forward to having that meal, and looking forward to the victory that Old Town will have Saturday night in Bangor. Thank you Mr. President.

Senator **DUTREMBLE** of York was granted unanimous consent to address the Senate on the Record.

Senator **DUTREMBLE**: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senator from Penobscot, Senator Pearson, is correct in his suggestion that our town is more of a football town than a basketball town, but I think that will change this week. But, just in case, the reason I offered a trip on The Illustrious Dream up the Saco River and into Saco Bay, is that if we lose, the Senator does not come back.

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

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

RECALLED FROM LEGISLATIVE FILES

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (Emergency)

H.P. 192 L.D. 274
(H "A" H-21 to H
"H" H-20)

(In Senate, February 28, 1991, **FAILED OF ENACTMENT**, in concurrence.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 414, in concurrence.)

On motion by Senator **FOSTER** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT**.

On motion by Senator **PEARSON** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED** by House Amendment "H" (H-20) as Amended by House Amendment "A" (H-21) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "H" (H-20) As Amended by House Amendment "A" (H-21) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-21) to House Amendment "H" (H-20).

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "A" (H-21) to House Amendment "H" (H-20) in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **INDEFINITELY POSTPONED** House Amendment "H" (H-20) in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Require Deposits on Large Oil Containers"
H.P. 116 L.D. 161

Leave to Withdraw

The following **Leave to Withdraw** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **EDUCATION** Bill "An Act Concerning Transferral of Cumulative Grade Point Averages of University of Maine System Students"
H.P. 266 L.D. 386

From the Committee on **HUMAN RESOURCES** Bill "An Act to Facilitate Physician Access to Ambulatory Surgical Facilities"
H.P. 233 L.D. 324

Senate

Ought Not to Pass

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

Reported by Senator **SUMMERS** for the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Prohibit Jet Skis on Small Inland Lakes"
S.P. 127 L.D. 229

Reported by Senator **MILLS** for the Committee on **LEGAL AFFAIRS** Resolve, Authorizing Robert L. Gray to Bring a Civil Action against the State
S.P. 81 L.D. 144

Reported by Senator **MILLS** for the Committee on **LEGAL AFFAIRS** Bill "An Act Regarding Voter Registration"
S.P. 94 L.D. 179

Reported by Senator **MILLS** for the Committee on **LEGAL AFFAIRS** Bill "An Act to Eliminate Voter Registration on Election Day"
S.P. 95 L.D. 180

Leave to Withdraw

The following **Leave to Withdraw** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act Related to Life Insurance Coverage"
S.P. 37 L.D. 59

Reported by Senator **THERIAULT** for the Committee on **BANKING AND INSURANCE** Bill "An Act to Increase Access to Dental Services"
S.P. 96 L.D. 181

Reported by Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Amend the State Architect Licensure Laws"
S.P. 107 L.D. 204

Reported by Senator **MATTHEWS** for the Committee on **FISHERIES AND WILDLIFE** Bill "An Act Relating to Archery Hunting Licenses"
S.P. 68 L.D. 124

Reported by Senator **CONLEY** for the Committee on **HUMAN RESOURCES** Bill "An Act to Ensure That Inflationary and Demographic Trends Are Reflected in Home-based Care Funding"
S.P. 224 L.D. 578

Reported by Senator **VOSE** for the Committee on **MARINE RESOURCES** Bill "An Act to Limit the Number of Workers on Lobster Boats"
S.P. 102 L.D. 189

Change of Reference

Senator **FOSTER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Elderly Low-cost Drug Program"
S.P. 34 L.D. 48

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **FOSTER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funds for Women with Substance Abuse Problems"
S.P. 40 L.D. 64

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **FOSTER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Concerning Monitoring and Inspection of Boarding Homes"
S.P. 50 L.D. 80

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"
S.P. 58 L.D. 107

Reported that the same be **REFERRED** to the Committee on **AGING, RETIREMENT AND VETERANS**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **AGING, RETIREMENT AND VETERANS**.

Sent down for concurrence.

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Create a Fund to Pay Certain Costs of Drugs Used to Treat Mental Illness"

S.P. 65 L.D. 117

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Meet the Increasing Critical Need for Visits by Maternal and Child Health Care Nurses to the Homes of Multiproblem Families" (Emergency)

S.P. 66 L.D. 118

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **BRANNIGAN** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance the Transition from Special Education Programs to Adult Services"

S.P. 73 L.D. 129

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **FOSTER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for Case Management Services for Troubled Youth in the Greater Portland Area"

S.P. 101 L.D. 188

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Senator **THERIAULT** for the Committee on **TRANSPORTATION** on Bill "An Act Concerning Road Kills"

S.P. 130 L.D. 232

Reported that the same be **REFERRED** to the Committee on **FISHERIES AND WILDLIFE**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **FISHERIES AND WILDLIFE**.

Sent down for concurrence.

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

Ought to Pass

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act Regarding the Collection of Fines"

S.P. 135 L.D. 273

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

Senator **VOSE** for the Committee on **MARINE RESOURCES** on Bill "An Act to Delay the Minimum Lobster Gauge Increases" (Emergency)

S.P. 132 L.D. 234

Reported that the same **Ought to Pass As Amended**
by **Committee Amendment "A" (S-25)**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-25) **READ** and **ADOPTED**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Senator **THERIAULT** for the Committee on
TRANSPORTATION on Resolve, to Name the
Waterville-Winslow Bridge the "Donald V. Carter
Bridge"

S.P. 114 L.D. 210

Reported that the same **Ought to Pass As Amended**
by **Committee Amendment "A" (S-26)**.

Which Report was **READ** and **ACCEPTED**.

The Resolve **READ ONCE**.

Committee Amendment "A" (S-26) **READ** and **ADOPTED**.

The Resolve **TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

The Committee on **Bills in the Second Reading**
reported the following:

Senate

Bill "An Act to Amend the Retirement Laws"
S.P. 24 L.D. 34

Which was **READ A SECOND TIME** and **PASSED TO BE**
ENGROSSED.

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.P. 666

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

March 4, 1991

John L. Martin
Speaker of the House
115th Legislature

Charles P. Pray
President of the Senate
115th Legislature

Dear Mr. Speaker and Mr. President:

On March 4, 1991, eleven Bills were received by
the Clerk of the House.

Pursuant to the provisions of Joint Rule 14,
these bills were referred to the Joint Standing
Committees on March 4, 1991 as follows:

AGING, RETIREMENT AND VETERANS

Bill "An Act to Equalize Health Benefits for
State Retirees Eligible for Medicare" (H.P. 659)
(L.D. 938) (Presented by Representative LIPMAN of
Augusta) (Cosponsored by Representative DONNELLY of
Presque Isle and Representative STEVENSON of Unity)

BANKING AND INSURANCE

Bill "An Act to Require Insurance Companies to
Inform Insureds of the Extent of Insured Value" (H.P.
657) (L.D. 936) (Presented by Representative SKOGLUND
of St. George) (Cosponsored by Representative
TOWNSEND of Eastport, Representative MITCHELL of
Vassalboro and Representative KUTASI of Bridgton)

EDUCATION

Bill "An Act Requiring School Districts to Make
Instruction in Braille Reading and Writing Available
to Blind Students" (H.P. 656) (L.D. 935) (Presented
by Representative OLIVER of Portland) (Cosponsored by
Representative HANDY of Lewiston, Representative
PARADIS of Frenchville and Senator CLEVELAND of
Androskoggin)

Bill "An Act to Increase the Availability of Sign
Language Training" (H.P. 661) (L.D. 940) (Presented
by Representative FARNSWORTH of Hallowell)
(Cosponsored by Senator CLARK of Cumberland, Senator
BUSTIN of Kennebec and Representative HICHENS of
Eliot)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Encourage Recycling of Waste Oil" (H.P. 658) (L.D. 937) (Presented by Representative KETOVER of Portland) (Cosponsored by Representative MICHAUD of East Millinocket, Representative HOGLUND of Portland, Senator KANY of Kennebec, and Representative TUPPER of Orrington)

JUDICIARY

Bill "An Act to Provide Funding for Sexual Abuse Victims and Offenders" (H.P. 660) (L.D. 939) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative CATHCART of Orono, Senator MCCORMICK of Kennebec and Representative PARADIS of Augusta)

Bill "An Act to Amend the State's Statute of Frauds" (H.P. 662) (L.D. 941) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative HASTINGS of Fryeburg and Representative FARNSWORTH of Hallowell)

LABOR

Bill "An Act to Regulate the Use of Video Display Terminals" (H.P. 655) (L.D. 934) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative RAND of Portland, Senator TITCOMB of Cumberland and Speaker MARTIN of Eagle Lake)

LEGAL AFFAIRS

Bill "An Act to Permit Off-track Betting" (H.P. 665) (L.D. 944) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative MACOMBER of South Portland, Representative KETOVER of Portland and Senator TITCOMB of Cumberland)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Concerning the Somerset County Budget" (H.P. 664) (L.D. 943) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Senator WEBSTER of Franklin)

TAXATION

Bill "An Act to Exempt Prosthetic Devices that Receive a State or Federal Subsidy from the State Sales Tax" (H.P. 663) (L.D. 942) (Presented by Representative DUPLESSIS of Old Town) (Cosponsored by Representative SPEAR of Nobleboro, Representative NADEAU of Saco and Senator COLLINS of Aroostook)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 670

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

March 5, 1991

John L. Martin
Speaker of the House
115th Legislature

Charles P. Pray
President of the Senate
115th Legislature

Dear Mr. Speaker and Mr. President:

On March 5, 1991, three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on March 5, 1991 as follows:

BANKING AND INSURANCE

Bill "An Act to Promote Uniform Statutes of Limitations" (H.P. 669) (L.D. 949) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative JACQUES of Waterville, Representative COTE of Auburn and Representative PARADIS of Augusta)

HUMAN RESOURCES

Bill "An Act to Support an Affordable Emergency Medical Services System" (EMERGENCY) (H.P. 667) (L.D. 947) (Presented by Representative CARROLL of Gray) (Cosponsored by Senator GILL of Cumberland, Representative MACBRIDE of Presque Isle and Representative LOOK of Jonesboro)

STATE AND LOCAL GOVERNMENT

Resolve, Authorizing the Bureau of Public Improvements to Conduct a Study of All State Work Places (H.P. 668) (L.D. 948) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative PENDEXTER of Scarborough, Representative NORTON of Winthrop and Representative MARSH of West Gardiner)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 695

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

March 6, 1991

John L. Martin
Speaker of the House
115th Legislature

Charles P. Pray
President of the Senate
115th Legislature

Dear Mr. Speaker and Mr. President:

On March 6, 1991, 24 Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on March 6, 1991 as follows:

AGING, RETIREMENT AND VETERANS

Bill "An Act to Amend the Provisions of the Maine State Retirement System Laws Relating to Benefits of Inactive Members Who Retire after Normal Retirement Age" (H.P. 687) (L.D. 986) (Presented by Representative JALBERT of Lisbon)

BANKING AND INSURANCE

Bill "An Act Concerning the Provision of Loss Information by an Insurer" (H.P. 675) (L.D. 974) (Presented by Representative TARDY of Palmyra)

Bill "An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists" (H.P. 683) (L.D. 982) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator CLARK of Cumberland and Senator BRAWN of Knox)

BUSINESS LEGISLATION

Bill "An Act to Clarify Certain Provisions of the Lien Laws" (H.P. 681) (L.D. 980) (Presented by Representative COTE of Auburn) (Cosponsored by Representative HANDY of Lewiston)

Bill "An Act to Regulate Building Contractors" (H.P. 694) (L.D. 993) (Presented by Representative LUTHER of Mexico) (Cosponsored by Representative BELL of Caribou and Representative CATHCART of Orono)

EDUCATION

Bill "An Act to Define the Professional Responsibilities of Teachers" (H.P. 671) (L.D. 970) (Presented by Representative HANDY of Lewiston) (Cosponsored by Representative LEMKE of Westbrook and Representative PFEIFFER of Brunswick)

Bill "An Act Concerning the Lease or Lease-purchase of School Bus Garage and Maintenance Facilities and School Administrative Office Space" (H.P. 690) (L.D. 989) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative CROWLEY of Stockton Springs, Speaker MARTIN of Eagle Lake and Representative AULT of Wayne)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Promote the Availability of Nutritionally Fortified Infant Fruit Juices" (H.P. 672) (L.D. 971) (Presented by Representative GREENLAW of Standish)

Bill "An Act to Reimburse Towns for Landfill Closings" (EMERGENCY) (H.P. 678) (L.D. 977) (Presented by Representative STEVENSON of Unity) (Cosponsored by Senator MATTHEWS of Kennebec)

Bill "An Act to Amend the Mandatory Zoning and Subdivision Control Laws" (H.P. 693) (L.D. 992) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Representative GOULD of Greenville) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Resolve, to Establish the State Comprehensive Energy Plan Commission (H.P. 691) (L.D. 990) (Presented by Representative MORRISON of Bangor) (Cosponsored by Senator VOSE of Washington and Representative CLARK of Millinocket)

HUMAN RESOURCES

Bill "An Act to Provide Assistance to Mentally Ill Homeless Persons" (H.P. 676) (L.D. 975) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative MANNING of Portland and Senator BRANNIGAN of Cumberland)

Bill "An Act to Increase the Fees for Marriage Licenses and Certificates of Birth, Marriage or Death" (H.P. 677) (L.D. 976) (Presented by Representative MACOMBER of South Portland) (Cosponsored by Representative BELL of Caribou and Representative STROUT of Corinth)

JUDICIARY

Bill "An Act to Amend the Adoption Laws to Permit an Unmarried Person or Persons to Adopt Children" (H.P. 684) (L.D. 983) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator CONLEY of Cumberland, Representative CATHCART of Orono and Representative HASTINGS of Fryeburg)

LABOR

Bill "An Act to Clarify the Burden of Proof in Workers' Compensation Cases Involving Issues Concerning the Search for Work" (H.P. 679) (L.D. 978) (Presented by Representative REED of Falmouth) (Cosponsored by Senator EMERSON of Penobscot and Representative BENNETT of Norway)

Bill "An Act to Amend the Workers' Compensation Law" (H.P. 685) (L.D. 984) (Presented by Representative McKEEN of Windham) (Cosponsored by Representative RAND of Portland)

LEGAL AFFAIRS

Bill "An Act to Enhance the Laws Governing Financial Responsibility" (H.P. 686) (L.D. 985) (Presented by Representative REED of Falmouth) (Cosponsored by Senator BRANNIGAN of Cumberland)

Resolve, Authorizing Peter K. Sweck of Columbia Falls to Bring a Civil Action against the State (H.P. 682) (L.D. 981) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Senator VOSE of Washington)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Assist Water Utilities in the Provision of Safe Drinking Water" (H.P. 692) (L.D. 991) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator MCCORMICK of Kennebec, Representative TARDY of Palmyra and Representative AULT of Wayne)

TAXATION

Bill "An Act to Aid Municipalities in Collecting Past Due Property Taxes" (H.P. 673) (L.D. 972) (Presented by Representative NUTTING of Leeds) (Cosponsored by Senator BERUBE of Androscoggin)

Bill "An Act to Improve Collections of Income Tax Due Upon the Sale of Real Property" (H.P. 689) (L.D. 988) (Presented by Representative DORE of Auburn) (Cosponsored by Representative MAYO of Thomaston and Representative HOGLUND of Portland)

TRANSPORTATION

Bill "An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements" (H.P. 688) (L.D. 987) (Presented by Representative BAILEY of Farmington)

Resolve, to Compensate Gary and Rebecca Hall for Damages Received as a Result of the Department of Transportation Construction (H.P. 674) (L.D. 973) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator BALDACCI of Penobscot and Representative MAYO of Thomaston)

UTILITIES

Bill "An Act Concerning the Town of Rumford Water District" (H.P. 680) (L.D. 979) (Presented by Representative ERWIN of Rumford) (Cosponsored by Senator MILLS of Oxford)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 718

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

March 7, 1991

John L. Martin
Speaker of the House
115th Legislature

Charles P. Pray
President of the Senate
115th Legislature

Dear Mr. Speaker and Mr. President:

On March 7, 1991, twenty-two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on March 7, 1991 as follows:

AGING, RETIREMENT AND VETERANS

Bill "An Act Relating to Distribution of Retirement Benefits in Divorce" (H.P. 711) (L.D. 1016) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative CATHCART of Orono, Senator HOLLOWAY of Lincoln and Representative KETTERER of Madison)

AGRICULTURE

Bill "An Act to Amend the Qualification of Blueberry Producers Associations in the Maine Agriculture Marketing and Bargaining Act of 1973" (H.P. 708) (L.D. 1013) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator VOSE of Washington, Senator CONLEY of Cumberland and Representative FARREN of Cherryfield)

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Relating to Funds Appropriated for Capital Projects" (H.P. 700) (L.D. 1004) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representative LOOK of Jonesboro) (Submitted by the Department of Administration pursuant to Joint Rule 24.)

BANKING AND INSURANCE

Bill "An Act to Provide for Increased Coverage of Mental Illness by Group Health Insurance" (H.P. 710) (L.D. 1015) (Presented by Representative LAWRENCE of Kittery) (Cosponsored by Representative WENTWORTH of Arundel and Representative GEAN of Alfred)

Bill "An Act Concerning Collision Damage Waiver on Automobile Rental Agreements" (H.P. 717) (L.D. 1022) (Presented by Representative KETOVER of Portland) (Cosponsored by Representative RYDELL of Brunswick, Representative CARLETON of Wells and Senator KANY of Kennebec)

BUSINESS LEGISLATION

Bill "An Act to Address Budgetary Concerns of the Maine Athletic Commission and to Deregulate Certain Aspects of the Sport of Wrestling" (EMERGENCY) (H.P. 703) (L.D. 1007) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representative TAMMARO of Baileyville, Senator WEBSTER of Franklin and Representative GURNEY of Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Bill "An Act to Require that Staff Management Companies Register with the State" (H.P. 704) (L.D. 1008) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator GILL of Cumberland, Representative CONSTANTINE of Bar Harbor and Representative MITCHELL of Vassalboro)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Authorize the Board of Environmental Protection to Adopt Rules Relating to the Proximity of Solid Waste Facilities to Property Boundaries on Islands" (H.P. 697) (L.D. 1001) (Presented by Representative HOGLUND of Portland)

Bill "An Act to Clarify the Water Quality Standards for Existing Hydroelectric Facilities" (H.P. 698) (L.D. 1002) (Presented by Representative HOGLUND of Portland) (Cosponsored by President PRAY of Penobscot, Representative ANDERSON of Woodland and Representative MARSH of West Gardiner)

Bill "An Act to Amend the Shoreland Zoning Laws" (H.P. 709) (L.D. 1014) (Presented by Representative LORD of Waterboro) (Cosponsored by Senator LUDWIG of Aroostook and Representative GOULD of Greenville)

FISHERIES AND WILDLIFE

Bill "An Act to Promote Safety While Hunting" (H.P. 705) (L.D. 1010) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator BROWN of Knox, Senator TWITCHELL of Oxford and Representative MARSH of West Gardiner)

LABOR

Bill "An Act Clarifying Intoxication under the Workers' Compensation Law" (H.P. 713) (L.D. 1018) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative ADAMS of Portland, Representative MCHENRY of Madawaska and Senator CONLEY of Cumberland)

Bill "An Act to Require Overtime Pay for Working on Sunday in Certain Retail Establishments" (H.P. 707) (L.D. 1012) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative PINEAU of Jay, Representative Mchenry of Madawaska and Senator ESTY of Cumberland)

LEGAL AFFAIRS

Bill "An Act to Prohibit Corporations from Contributing to Political Campaigns" (H.P. 701) (L.D. 1005) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representative MITCHELL of Vassalboro and Representative PENDLETON of Scarborough)

Bill "An Act Concerning Voting by Absentee Ballot" (H.P. 716) (L.D. 1021) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative BAILEY of Township 27)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Preserve Public Ownership of Historic Fort Gorges in Casco Bay" (H.P. 696) (L.D. 1000) (Presented by Representative ADAMS of Portland) (Cosponsored by Representative RAND of Portland, Senator CONLEY of Cumberland and Senator BRANNIGAN of Cumberland)

Bill "An Act to Amend the Schedule of Fees for Plan Review and Issuing of Permits and Approval through the Office of the State Fire Marshal" (H.P. 706) (L.D. 1011) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative SAVAGE of Union, Representative BELL of Caribou and Senator TWITCHELL of Oxford) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act Regarding the Bidding Process for Municipal Projects" (H.P. 715) (L.D. 1020) (Presented by Representative FOSS of Yarmouth)

TAXATION

Bill "An Act to Permit Municipalities to Have the Option of a Local Sales Tax" (H.P. 712) (L.D. 1017) (Presented by Representative LAWRENCE of Kittery) (Cosponsored by Senator ESTES of York)

Bill "An Act to Provide Reimbursements to Municipalities Under the Tree Growth Tax Law that more Accurately Reflect the Actual Impact of the Tax on Municipalities" (H.P. 714) (L.D. 1019) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative HICHBORN of Howland, Senator PEARSON of Penobscot and Representative MURPHY of Berwick)

TRANSPORTATION

Bill "An Act to Establish Special Designating Registration Plates for Vietnam Veterans of the Tet Offensive" (H.P. 699) (L.D. 1003) (Presented by Representative KETTERER of Madison)

UTILITIES

Bill "An Act to Amend the Laws Regarding Enhanced 9-1-1" (EMERGENCY) (H.P. 702) (L.D. 1006) (Presented by Representative KETOVER of Portland) (Cosponsored by Representative PENDEXTER of Scarborough, Senator VOSE of Washington and Senator LUDWIG of Aroostook) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

The Following Communication: H.P. 770

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

March 8, 1991

John L. Martin
Speaker of the House
115th Legislature

Charles P. Pray
President of the Senate
115th Legislature

Dear Mr. Speaker and Mr. President:

On March 8, 1991, 31 Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on March 8, 1991 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Make Allocations for the Administrative Expenses of the Department of Finance, Bureau of Alcoholic Beverages for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 738) (L.D. 1042) (Presented by Representative REED of Falmouth) (Cosponsored by Senator FOSTER of Hancock and Representative PARADIS of Frenchville)

BANKING AND INSURANCE

Bill "An Act to Simplify the Payment of Minor Workers' Compensation Claims" (H.P. 732) (L.D. 1036) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative RAND of Portland, Senator CONLEY of Cumberland and Representative HASTINGS of Fryeburg)

BUSINESS LEGISLATION

Bill "An Act to Clarify the Provisions for Temporary and Conditional Psychologists' Licenses" (H.P. 724) (L.D. 1028) (Presented by Representative KUTASI of Bridgton) (Cosponsored by VIGUE of Winslow and Senator RICH of Cumberland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

EDUCATION

Bill "An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians" (H.P. 726) (L.D. 1030) (Presented by Representative RICHARDSON of Portland)

ENERGY AND NATURAL RESOURCES

Bill "An Act to Alter the Mandate of the Maine Low-level Radioactive Waste Authority to Include Reduction of Low-level Radioactive Waste" (H.P. 722) (L.D. 1026) (Presented by Representative HOLT of Bath) (Cosponsored by Senator TITCOMB of Cumberland)

Bill "An Act to Improve the Bottle Recycling Laws" (H.P. 729) (L.D. 1033) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative GURNEY of Portland)

Bill "An Act to Amend and Add to Certain Provisions of Geographic-based Information Services" (H.P. 743) (L.D. 1047) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative BAILEY of Farmington and Representative MICHAUD of East Millinocket) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

Bill "An Act to Require the Department of Environmental Protection to Perform a Cost and Benefit Analysis of Permit Applications" (H.P. 747) (L.D. 1051) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative ANDERSON of Woodland and Representative GOULD of Greenville)

FISHERIES AND WILDLIFE

Bill "An Act to Ensure More Equitable Hunting Opportunities" (H.P. 725) (L.D. 1029) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative CARROLL of Southwest Harbor) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Bill "An Act to Allow the Department of Inland Fisheries and Wildlife to Determine the Number of Moose Licenses Issued Annually" (H.P. 730) (L.D. 1034) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Senator SUMMERS of Cumberland and Senator WEBSTER of Franklin)

HUMAN RESOURCES

Resolve, Creating a Demonstration Project for Crisis Intervention for Adolescents and Children (EMERGENCY) (H.P. 739) (L.D. 1043) (Presented by Representative DORE of Auburn) (Cosponsored by Senator GAUVREAU of Androscoggin)

JUDICIARY

Bill "An Act to Amend the Maine Human Rights Act to Make Effective Provisions against Employment Discrimination" (H.P. 720) (L.D. 1024) (Presented by Representative McKEEN of Windham)

LABOR

Bill "An Act to Amend the Definition of Employment in the Unemployment Compensation Laws" (H.P. 736) (L.D. 1040) (Presented by Representative REED of Falmouth)

Bill "An Act to Permit the Establishment of the Workers' Compensation Apportionment Arbitration Board" (H.P. 748) (L.D. 1052) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator CONLEY of Cumberland and Senator COLLINS of Aroostook)

LEGAL AFFAIRS

Bill "An Act Relating to Certain Types of Indemnity Provisions in Construction Contracts" (H.P. 721) (L.D. 1025) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representative GURNEY of Portland)

Bill "An Act to Inform the Public About Drug-free School Zones" (H.P. 723) (L.D. 1027) (Presented by Representative STEVENS of Bangor) (Cosponsored by Representative ANTHONY of South Portland and Representative RICHARDS of Hampden)

Bill "An Act Concerning the Placement of Campaign Signs Along Roads" (H.P. 734) (L.D. 1038) (Presented by Representative SHELTRA of Biddeford) (Cosponsored by Senator VOSE of Washington, Representative PAUL of Sanford and Representative GURNEY of Portland)

Bill "An Act Authorizing Presidential Primary Elections in the State" (H.P. 744) (L.D. 1048) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representative KONTOS of Windham and Representative GEAN of Alfred)

Bill "An Act to Clarify Certain Election Laws" (H.P. 749) (L.D. 1053) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative RICHARDSON of Portland and Senator MILLS of Oxford) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

MARINE RESOURCES

Bill "An Act to Establish a Lobster Management Plan" (H.P. 745) (L.D. 1049) (Presented by Representative FOSS of Yarmouth)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Improve the Level of Services Provided by the Bureau of Public Improvements on Capital Improvement Projects" (H.P. 728) (L.D. 1032) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator EMERSON of Penobscot) (Submitted by the Department of Administration pursuant to Joint Rule 24.)

Bill "An Act to Amend the State Government Ethics Laws" (H.P. 733) (L.D. 1037) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative TUPPER of Orrington and Representative GOULD of Greenville)

Bill "An Act to Resolve Municipal Secret Ballot Elections that Result in a Tie Vote" (H.P. 735) (L.D. 1039) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Senator BERUBE of Androscoggin and Senator EMERSON of Penobscot)

Bill "An Act to Amend the Laws Governing the Office of Information Services and the Information Services Policy Board" (H.P. 737) (L.D. 1041) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative BAILEY of Farmington) (Submitted by the Department of Administration pursuant to Joint Rule 24.)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (H.P. 740) (L.D. 1044) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative HEPBURN of Skowhegan, Representative GARLAND of Bangor, Representative SAVAGE of Union, Representative BENNETT OF Norway and Representative LIPMAN of Augusta)

TAXATION

March 11, 1991

Bill "An Act to Assess Taxes on Motel and Hotel Occupancy and Restaurants and Bars" (H.P. 719) (L.D. 1023) (Presented by Representative RICHARDSON of Portland)

John L. Martin
Speaker of the House
115th Legislature

Bill "An Act to Preserve the Taxable Status of Land Receiving Benefit of Subsidies" (H.P. 731) (L.D. 1035) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative HANDY of Lewiston and Representative JALBERT of Lisbon)

Charles P. Pray
President of the Senate
115th Legislature

Bill "An Act to Authorize a Regional Tax" (H.P. 746) (L.D. 1050) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representative BUTLAND of Cumberland)

Dear Mr. Speaker and Mr. President:

On March 11, 1991, 19 Bills were received by the Clerk of the House.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Uniform Property Tax (H.P. 741) (L.D. 1045) (Presented by Representative LIPMAN of Augusta)

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on March 11, 1991 as follows:

APPROPRIATIONS AND FINANCIAL AFFAIRS

TRANSPORTATION

Bill "An Act to Exempt Military-trained Drivers from State Driver's License Examination Requirements" (H.P. 727) (L.D. 1031) (Presented by Representative NUTTING of Leeds)

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 760) (L.D. 1094) (Presented by Representative Macbride of Presque Isle) (Cosponsored by Senator FOSTER of Hancock, Representative CHONKO of Topsham and Senator PEARSON of Penobscot)

UTILITIES

Bill "An Act to Amend the Proceedings for Approval of Interim Rates by the Public Utilities Commission" (H.P. 742) (L.D. 1046) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator CARPENTER of York)

Bill "An Act to Make Allocations for the Administrative Expenses of the Department of Finance, Bureau of Lottery, for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 761) (L.D. 1095) (Presented by Representative Macbride of Presque Isle) (Cosponsored by Senator FOSTER of Hancock, Representative POULIOT of Lewiston and Senator PEARSON of Penobscot)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Bill "An Act to Improve the Standard of Living for Children from Low-income Families" (EMERGENCY) (H.P. 766) (L.D. 1100) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative CHONKO of Topsham, Senator BRANNIGAN of Cumberland and Representative POULIOT of Lewiston)

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Finance the Acquisition of Farmland to Preserve the Land for its Natural, Open Space, Ecological and Aesthetic Value" (H.P. 767) (L.D. 1101) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative MARSH of West Gardiner)

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

Bill "An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 769) (L.D. 1103) (Presented by Representative REED of Falmouth) (Cosponsored by Senator FOSTER of Hancock, Representative CARROLL of Gray and Senator PEARSON of Penobscot)

The Following Communication: H.P. 771

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333**

BANKING AND INSURANCE

Bill "An Act to Require Notice of Costs Associated with Transactions at Automated Teller Machines" (H.P. 751) (L.D. 1085) (Presented by Representative RAND of Portland) (Cosponsored by Representative ROTONDI of Athens)

BUSINESS LEGISLATION

Bill "An Act to Provide Licensing Bureaus, Boards and Commissions with the Authority to Order Restitution to Injured Consumers" (H.P. 758) (L.D. 1092) (Presented by Representative DORE of Auburn) (Cosponsored by Representative LARRIVEE of Gorham, Representative RAND of Portland and Representative GRAHAM of Houlton)

Bill "An Act to Protect the Rights of Independent Sales Representatives after Termination of Their Contracts" (H.P. 764) (L.D. 1098) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative KILKELLY of Wiscasset, Senator CLARK of Cumberland and Representative NADEAU of Saco)

EDUCATION

Bill "An Act to Amend the School Finance Laws" (H.P. 754) (L.D. 1088) (Presented by Representative SIMPSON of Casco) (Cosponsored by Senator ESTES of York, Representative HANDY of Lewiston and Representative CAHILL of Mattawamkeag)

Bill "An Act to Allow Pupil Evaluation Teams to Waive Graduation Requirements in Appropriate Cases" (H.P. 756) (L.D. 1090) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative O'GARA of Westbrook, Representative PARADIS of Frenchville and Representative HANDY of Lewiston)

FISHERIES AND WILDLIFE

Bill "An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes" (EMERGENCY) (H.P. 755) (L.D. 1089) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Senator PEARSON of Penobscot)

HUMAN RESOURCES

Bill "An Act to Improve Services to At-risk, Pregnant and Parenting Teens" (H.P. 762) (L.D. 1096) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative PINES of Limestone and Senator FOSTER of Hancock)

JUDICIARY

Bill "An Act Regarding the Statute of Limitations in Cases of Child Abuse and Incest" (H.P. 752) (L.D. 1086) (Presented by Representative DUPLESSIS of Old Town) (Cosponsored by Senator HOLLOWAY of Lincoln and Representative PARADIS of Augusta)

Bill "An Act Concerning Illegally Dumped Solid Waste" (H.P. 753) (L.D. 1087) (Presented by Representative HEPBURN of Skowhegan) (Cosponsored by Senator LUDWIG of Aroostook and Representative DONNELLY of Presque Isle)

STATE AND LOCAL GOVERNMENT

Bill "An Act to Authorize Municipalities to Create Regional Public Safety Districts" (H.P. 768) (L.D. 1102) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative KETOVER of Portland)

TAXATION

Bill "An Act to Encourage Voter Registration by Enclosing Voter Registration Applications in Individual Income Tax Returns" (H.P. 757) (L.D. 1091) (Presented by Representative LAWRENCE of Kittery) (Cosponsored by Representative GEAN of Alfred and Representative PLOURDE of Biddeford)

Bill "An Act to Establish a Severance Tax on Timber" (H.P. 759) (L.D. 1093) (Presented by Representative MITCHELL of Freeport)

TRANSPORTATION

Bill "An Act to Create a Semipermanent Semitrailer Registration" (EMERGENCY) (H.P. 765) (L.D. 1099) (Presented by Representative MACOMBER of South Portland) (Cosponsored by Representative STROUT of Corinth, Senator CAHILL of Sagadahoc and Senator TWITCHELL of Oxford)

UTILITIES

Bill "An Act to Assist Municipal Solid Waste Energy Recovery Facilities" (H.P. 763) (L.D. 1097) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative POULIOT of Lewiston)

Sincerely,

S/Edwin H. Pert
Clerk of the House

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

Comes from the House **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**, in concurrence.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Exempt Telephone Workers Engaged in Certain Acts from the Workplace Manslaughter Laws" S.P. 221 L.D. 548

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

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

COMMUNICATIONS

The Following Communication:

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 12, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Douglas A. Clapp of Bucks Harbor, for appointment as Judge of the Maine District Court.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 Rep. Hanley of Paris

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Honorable Douglas A. Clapp of Bucks Harbor, for appointment as Judge of the Maine District Court be confirmed.

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Douglas A. Clapp of Bucks Harbor be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 115th Legislature, the vote will be taken by the Yeas and Nays.

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BRAWN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, CONLEY, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GAUVREAU, GILL, GOULD, HOLLOWAY, KANY, LUDWIG, MATTHEWS, MCCORMICK, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Douglas A. Clapp, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

The following **Leave to Withdraw** Report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Requirements to Become a Licensed Private Investigator"

S.P. 153 L.D. 365

Ought to Pass

Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Permit Certain Retailers to Conduct Games of Chance"

S.P. 28 L.D. 38

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the following Joint Order:

S.P. 427

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 18, 1991, at 4 o'clock in the afternoon.

Which was **READ** and **PASSED**.

Sent down for concurrence.

Off Record Remarks

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

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 648 L.D. 922

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 653 L.D. 927

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)

H.P. 654 L.D. 928

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities"

H.P. 787 L.D. 1119

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

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

Bill "An Act to Authorize Recovery of Certain Collection Costs"

H.P. 643 L.D. 917

Bill "An Act to Ensure that Health Care Insurance Policies Offer Discounts to Nonsmoking Consumers"

H.P. 651 L.D. 925

Bill "An Act to Require Casualty Insurers to Provide an Annual Valuation of Loss Reserves"

H.P. 786 L.D. 1118

Come from the House referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Encourage Medical Cost Containment Measures by Enabling the Establishment of Preferred Provider Arrangements"

H.P. 790 L.D. 1122

Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

Come from the House referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BANKING AND INSURANCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Expand the Grounds for Discipline of Osteopathic Physicians and Surgeons"

H.P. 788 L.D. 1120

Bill "An Act to Improve Credit Reporting"

H.P. 791 L.D. 1123

Come from the House referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Clarify the Funding of Child Care Services and Parenting Education"

H.P. 639 L.D. 913

Come from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Relating to the Computation of Flow for Wastewater Discharges"

H.P. 644 L.D. 918

Bill "An Act to Amend the Laws Relating to Submerged Land"

H.P. 646 L.D. 920

Bill "An Act Establishing Procedures for Notice of Proposed Zoning Changes"

H.P. 783 L.D. 1115

Come from the House referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY AND NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Provide Persons 70 Years or Older with Free Doe Permits"

H.P. 780 L.D. 1112

Come from the House referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**.

Which was referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require State-funded Institutions and Food Programs to Provide Vegetarian Alternative Meals"

H.P. 638 L.D. 912

Bill "An Act to Provide Resources for the Division for the Blind and Visually Impaired"

H.P. 647 L.D. 921

Bill "An Act to Provide a Clothing Allowance to Children Receiving Aid to Families with Dependent Children Benefits" (Emergency)

H.P. 782 L.D. 1114

Come from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

Resolve, To Require the Department of Human Services to Inform Certain Persons of their Rights
H.P. 776 L.D. 1108

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which was referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning Unemployment Benefits During Lockouts"
H.P. 649 L.D. 923

Comes from the House referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Which was referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Campaign Finance Reporting Laws"
H.P. 641 L.D. 915

Bill "An Act Regarding the Location of State Agency Stores"
H.P. 642 L.D. 916

Bill "An Act to Encourage Students to Register and Vote"
H.P. 773 L.D. 1105

Bill "An Act to Amend the Laws Concerning Operating Under the Influence"
H.P. 784 L.D. 1116

Bill "An Act to Impose a Limit on Campaign Contributions"
H.P. 785 L.D. 1117

Come from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Resolve, to Authorize the County of Franklin to Acquire a Certain Parcel of Land in Coburn Gore
H.P. 774 L.D. 1106

Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

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

Bill "An Act Concerning Mooring Assignments"
H.P. 779 L.D. 1111

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Increase Participation at Town Meetings" (Emergency)
H.P. 640 L.D. 914

Bill "An Act to Clarify the Appointment and Dismissal of the Warden of the Maine State Prison"
H.P. 775 L.D. 1107

Bill "An Act to Allow Supplemental Dependent Life Insurance for State Employees"
H.P. 777 L.D. 1109

Bill "An Act to Assist the Expansion of Municipal Sewer Systems"
H.P. 781 L.D. 1113

Come from the House referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE AND LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)
H.P. 650 L.D. 924

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)
H.P. 652 L.D. 926

Bill "An Act Regarding Passing of School Buses" (Emergency)
H.P. 778 L.D. 1110

Bill "An Act Relating to Transportation Planning"
H.P. 789 L.D. 1121

Come from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Amend the Charter of the Berwick Sewer District" (Emergency)
H.P. 645 L.D. 919

Comes from the House referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

Which was referred to the Committee on **UTILITIES** and **ORDERED PRINTED**, in concurrence.

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

ENACTORS

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

An Act to Authorize Certified Reserve Officers to Enforce Motor Vehicle Registration Laws
H.P. 65 L.D. 93

An Act to Regulate Further Ozone-depleting Products
H.P. 90 L.D. 131
(C "A" H-18)

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

Emergency

An Act to Continue Milk Pool Payments to Dairy Farmers Affected by the Newport Plant Closure
H.P. 130 L.D. 186

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

On motion by Senator **PEARSON** of Penobscot, **RECESSED** until 1:30 in the afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law" (Emergency)
H.P. 192 L.D. 274

In Senate, March 13, 1991, **RECALLED** from the legislative files pursuant to Joint Order S.P. 414. Subsequently, **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "I" (H-33)** in **NON-CONCURRENCE**.

On motion by Senator **PEARSON** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

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

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

COMMITTEE REPORTS

House

Ought Not to Pass

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

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Ensure Fair Insurance Practices"
H.P. 288 L.D. 409

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Amend the Laws Governing Operation of a Watercraft"
H.P. 106 L.D. 149

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Ban Waterskiing on Certain Parts of the Saco River"
H.P. 157 L.D. 242

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Allow the Introduction of the White Amur into Maine Waters"
H.P. 309 L.D. 439

From the Committee on **HUMAN RESOURCES** Bill "An Act Concerning Payment of Services for Mentally Disadvantaged Minors"
H.P. 415 L.D. 598

From the Committee on **JUDICIARY** Bill "An Act Concerning Equine Activities"
H.P. 30 L.D. 33

From the Committee on **TAXATION** Bill "An Act Concerning Notifications of Action on Requests for Tax Abatements"
H.P. 70 L.D. 98

From the Committee on **TAXATION** Bill "An Act Concerning Taxation of Video Tape and Equipment"
H.P. 143 L.D. 213

From the Committee on **TAXATION** Bill "An Act Concerning the Time of Payment of Property Taxes"
H.P. 155 L.D. 240

From the Committee on **TAXATION** Bill "An Act to Amend the Eligibility Standards for Veterans' Property Tax Exemptions"
H.P. 165 L.D. 250

From the Committee on **TAXATION** Bill "An Act to Increase Eligibility for the Elderly Low-cost Drug Program"
H.P. 214 L.D. 305

From the Committee on **TAXATION** Bill "An Act to Ensure the Full Benefit of Veterans' Property Tax Exemptions"
H.P. 234 L.D. 325

From the Committee on **TAXATION** Bill "An Act to Exempt Heating Fuel Storage Structures from Property Tax"
H.P. 237 L.D. 328

From the Committee on **TAXATION** Bill "An Act Concerning the Requirement of Notification of Municipal Tax Liens to Mortgagees of Record"
H.P. 241 L.D. 332

From the Committee on **TAXATION** Bill "An Act to Increase the Sales Tax" (Emergency)
H.P. 250 L.D. 341

Leave to Withdraw

The following **Leave to Withdraw** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Regarding Clear-cutting of Wood"
H.P. 211 L.D. 302

From the Committee on **JUDICIARY** Bill "An Act to Dispense with Final Hearings in Uncontested Divorces or Modifications to Decrees"
H.P. 74 L.D. 102

From the Committee on **JUDICIARY** Bill "An Act to Limit the Liability of Charitable Institutions"
H.P. 168 L.D. 253

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Amend the Laws Governing Disposition of Lost Goods"
H.P. 24 L.D. 27

From the Committee on **MARINE RESOURCES** Bill "An Act to Conform Seasonal Restrictions on Mussel Dragging to Those Governing Scallop Harvesting"
H.P. 225 L.D. 316

From the Committee on **TAXATION** Bill "An Act to Make Low-cost Land Available for Affordable Housing"
H.P. 120 L.D. 165

From the Committee on **TAXATION** Bill "An Act Concerning Access to Tax Records" H.P. 131 L.D. 187

From the Committee on **TAXATION** Bill "An Act to Create a Local Option Sales Tax" H.P. 245 L.D. 336

From the Committee on **TAXATION** Bill "An Act to Change Property Tax Valuation from Best Use to Current Use Standards" H.P. 314 L.D. 444

From the Committee on **TAXATION** Bill "An Act to Require that Payment of Owed Taxes be First Applied to Penalty and Interest Due" H.P. 329 L.D. 459

From the Committee on **TAXATION** Bill "An Act to Provide a Sales Tax Exemption for Sales by Volunteer Fire Department Auxiliaries" H.P. 343 L.D. 473

From the Committee on **TAXATION** Bill "An Act to Benefit Volunteer Fire and Rescue Personnel" H.P. 366 L.D. 520

From the Committee on **TAXATION** Bill "An Act Regarding the Real Estate Transfer Tax" H.P. 371 L.D. 525

From the Committee on **TAXATION** Bill "An Act to Provide Comprehensive Property Tax Relief" H.P. 402 L.D. 576

From the Committee on **TAXATION** Bill "An Act to Amend the Sales and Use Tax for Installations of Data Communications Equipment" H.P. 419 L.D. 602

From the Committee on **TRANSPORTATION** Bill "An Act to Require the Use of Headlights During Inclement Weather While Windshield Wipers are in Use" H.P. 114 L.D. 159

From the Committee on **TRANSPORTATION** Bill "An Act to Exempt Exits 19 to 21 on Interstate 95 from Truck Weight Restrictions" (Emergency) H.P. 162 L.D. 247

From the Committee on **TRANSPORTATION** Bill "An Act to Change the Registration Year for Camp Trailers" H.P. 187 L.D. 280

From the Committee on **TRANSPORTATION** Bill "An Act to Require Out-of-state Recreational Vehicles to Purchase a Fuel Use Decal" H.P. 338 L.D. 468

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Enhance the Capabilities of the Commission on Governmental Ethics and Election Practices" H.P. 52 L.D. 73

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and Accompanying Papers **REFERRED** to the Committee on **LEGAL AFFAIRS**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **LEGAL AFFAIRS**, in concurrence.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Increase the State's Percentage of School Funding" H.P. 82 L.D. 110

Reported that the same be **REFERRED** to the Committee on **EDUCATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and Accompanying Papers **REFERRED** to the Committee on **EDUCATION**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **REFERRED** to the Committee on **EDUCATION**, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act Regarding Judgment Notices in Small Claims Proceedings"

H.P. 263 L.D. 383

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act Concerning the Use of Headlights in Inclement Weather" H.P. 14 L.D. 17

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-19)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-19)**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-19) **READ** and **ADOPTED**, in concurrence.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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

PAPERS FROM THE HOUSE

**Pursuant to Statutes
COMMITTEE ON AUDIT AND PROGRAM REVIEW**

The Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3, chapter 33, ask leave to submit its findings and to report that the accompanying Bill "An Act to Address Staffing Inequities Resulting from the Implementation of the Maine Financial and Administrative Statewide Information System Pursuant to the Maine Sunset Act" (Emergency)

H.P. 772 L.D. 1104

Be referred to the Committee on **AUDIT AND PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

**Pursuant to Public Law
STUDENT FINANCIAL AID TRANSITION ADVISORY COMMITTEE**

The **STUDENT FINANCIAL AID TRANSITION ADVISORY COMMITTEE**, ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve Student Financial Assistance Services" (Emergency) H.P. 750 L.D. 1070

Be referred to the Committee on **EDUCATION** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Provide for Medical Cost Containment in Workers' Compensation" H.P. 632 L.D. 902

Comes from the House referred to the Committee on LABOR and ORDERED PRINTED.

Which was referred to the Committee on LABOR and ORDERED PRINTED, in concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on MARINE RESOURCES on Bill "An Act to Amend the Shellfish Licensing Laws" (Emergency) H.P. 118 L.D. 163

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-34).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "A" (H-34) READ and ADOPTED, in concurrence.

The Bill As Amended TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Increase the Probationary Period for Teacher Employment"

H.P. 310 L.D. 440

Reported that the same Ought Not to Pass.

Signed:

Senators:

ESTES of York
MCCORMICK of Kennebec
BRAWN of Knox

Representatives:

OLIVER of Portland
NORTON of Winthrop
CROWLEY of Stockton Springs
O'GARA of Westbrook
HANDY of Lewiston
O'DEA of Orono
CAHILL of Mattawamkeag
AULT of Wayne
PFEIFFER of Brunswick

The Minority of the same Committee on the same subject reported that the same Ought to Pass.

Signed:

Representative:

BARTH of Bethel

Comes from the House with the Majority OUGHT NOT TO PASS Report READ and ACCEPTED.

Which Reports were READ.

On motion by Senator ESTES of York, the Majority OUGHT NOT TO PASS Report was ACCEPTED, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Shorten the Tax Abatement Application Period" H.P. 154 L.D. 239

In Senate, February 27, 1991, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-32)** in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **BOST** of Penobscot, **RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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

ENACTORS

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

Emergency

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 and to Change Certain Provisions of the Law

H.P. 192 L.D. 274
(H "I" H-33)

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

Senator **MCCORMICK:** Thank you Mr. President. I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Pearson, who is the Chairman of the Joint Appropriations Committee. By passing this Supplemental Budget, do we in any way endorse or require the use of the Governor's so-called "Salary Plan"? This is the plan that he has enacted by Executive Order to push back state employee pay dates and to require them each take three furlough days prior to July 1st, 1991.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to respond to the good Senator from Kennebec, Senator McCormick. The answer to the question is no. The Governor is convinced that he has all the authority he needs to carry out this Salary Plan without any Legislative authorization of any kind. This Bill

makes no such authorization, expressed or implied. As members of the Senate know, the Governor's Executive Order is now being challenged by at least one of the affected Unions. By the passage of this Bill, we take no side in that dispute. The Bill does, on page twenty-eight, make recognition of the savings that the Executive Order would accomplish, because, unless and until that Order is duly overturned, it is the statusquo from which we must work. Should all or part of the Governor's Executive Order be overturned, the Governor would then be required to make savings in other ways by Executive Order, or he could return to the Legislature and make further adjustments. We will be sitting throughout this period, and that would require no special effort.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we enact this important legislation today, I believe that it is absolutely imperative that we reminisce a little about how we got to this point.

First, and most importantly, I would like to thank the Appropriations Committee, Senator Pearson, Senator Brannigan, and Senator Foster, for their diligent work and for reaching a unanimous agreement on this important issue. I wish we could have done so months ago. I think we all wish we could have. The citizens of the State of Maine also share that view point. Cutting spending, limiting the size of government, setting priorities is never easy. This legislation is definitely a step in the right direction. This legislation is a start, a start towards the difficult process of altering the spending direction of state government, the direction that our Budget has been headed over the past ten years. I regret that deeper, more meaningful cuts could not have passed today. I am extremely hopeful that our next Budget will revisit the important issues that we were unable to address, the 1991 Budget.

As a Senator from Franklin County, I have not enjoyed, as none of you have, this tedious Budget debate. But as Senator from Franklin County, I am pleased that this discussion has taken place. The citizens of our great state our demanding that we cut spending. The citizens of our great state, the factory workers, and the farmers, and the senior citizens have continued to demand that we make state government more affordable. This Budget, now, starts to address our long term spending problems. It is, indeed, a step in the right direction. This Budget stops the runaway train of the Maine Health Care Program, by limiting the costs of the Program to the actual money raised for it. This, ladies and gentlemen, is a major victory for the working people of our state, the people footing the bill, the people who ultimately must pay for any idea of any program that the Legislature establishes. This legislation forces us, the Legislature, the Governor, the public, to take a serious look at our AFDC Program. This is a major victory for the taxpayers of our great state.

Ladies and Gentlemen of the Senate. Few, if any of us, agree with every aspect of this Bill. Probably that is good! The art of compromise is indeed at work in L.D. 274. Today, I am going to

support this legislation, because speaking for the people in rural Maine that I represent, this is by far, without question, the best opportunity that my constituents have had, to date, to enact legislation to balance our Budget, while trying to create a Budget more in line with what they can afford. This legislation, L.D. 274, is indeed, yes, indeed, a step in the right direction. A step on a long staircase, a step that I am willing to take. A step much more realistic than the previous legislation and creating a much more realistic government for the people of Maine. After three months of battle, we have a winner! A decisive, clear winner. That winner, ladies and gentlemen of the Senate, is the people of our great state, the taxpayers who are footing the Bill. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to make a few brief comments for the Record. The first of which pertaining to the current Budget.

To begin, like the good Senator from Franklin, Senator Webster, offer my congratulations and my gratitude to the members of the Appropriations Committee on both sides of the partisan aisle for finally reaching the long sought after Budget agreement. I think their hard work and diligence have not gone unnoticed by those of us who do not sit on that Committee, rather it serves as testimony to those of us who were beginning to lose faith in the process, that it can, indeed, work, if there is general agreement that it must work.

However, I think that the celebrative mood, if you can characterize it as such, should perhaps begin and end today. For the problems ahead are ones which will dwarf, literally dwarf the problems that we have only today, March 13th, come to grips with in this Budget. And quite frankly, I do not see very many substantive differences between the recommendations of the Adhoc Budget Committee and those that we are apparently in full agreement on today. There may be some, I simply haven't seen them. But be that as it may, the reality is, we are about to pass a Budget, and that is a very good thing.

I guess what really concerns me at this point is the process itself, and that is really why I am standing here today. We are being challenged, and rightly so, to rethink the structure of state government and to take action in that regard between now and June. And yet, in order to do so, we are going to change our approach here in the Legislature. I have the privilege of serving on two Joint Standing Committees, as do most of you, and like all Sessions past, at least those I have experienced, we are now hearing and deliberating on literally hundreds and hundreds of Bills, many of which carry enormous fiscal tags, many simply designed to modify or clarify existing statute. While I do not doubt for a moment that most, if not all, have been introduced with the very best of intent, including my own I might add, and they have the potential, in my estimation, for distracting us from what I believe our greatest charge must be, and that is to get into each and every one of the Departments under our various Committee jurisdictions. With

roughly half of the Session now behind us, and an estimated nine hundred and thirty million dollar shortfall before us, we cannot afford to allow ourselves to make hasty Budget cutting decisions in the last week of the Session. It is not fair to the Appropriations Committee, it is not fair to the Departments, and it is certainly not fair to the people who we represent back home. Therefore, it is imperative that we not proceed in the business as usual mind set, but that we familiarize ourselves as Legislators, to a degree that we are perhaps unaccustomed to, with the departments in the manner in which they operate, so that we can, in fact, propose the necessary cutbacks to the Appropriations Committee, knowing full well, exactly, what the implications are of those cuts. Now, if we approach the cuts as only a numerical exercise rather than a well thought out process of trimming the fat, consolidating resources, and scaling back expenditures, we can legitimately, I believe, be called in question. In the process, maybe we can assist those who work in those departments to do, low and behold, some innovative thinking themselves. Now that won't be any easier in my estimation than altering our own process.

By way of example, earlier this week the Human Resources Committee, one of the Committees in which I sit, heard a Bill that was sponsored by the Senate President, which would accelerate the process of computerizing caseloads within the Department of Human Services, and in doing so, enable intake workers to diversify additional functions, something that I believe is going to be inevitable. The Bill was opposed by the Department, not because it didn't recognize the need to do this, but because the Bill proposed that it be done by 1993 instead of 1994.

In the challenging atmosphere that we find ourselves in, this type of business as usual approach, and I might add, this is by no means unique to the Department of Human Services, is something that must change, and must change now. So I issue this challenge to all of us, and I include myself, not only as the Senator from District 11, but as one who sits on a Committee that may be asked to find the means to close as yet an undetermined gap, if, underline if, we do not ultimately identify nine hundred and thirty million dollars in cuts. Now is the time, while we have the time, ladies and gentlemen of the Senate, to look at every facet of every department, and by doing so, assisting the Appropriations Committee in making those inevitable cuts in the right places, and as deeply as they must be. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Having heard the remarks of the good Senator from Franklin, I am loathed to let them pass without some sort of an answer. It is nice to sit here and talk about going about the tidy job of downsizing government, and how we must get about the business of putting together a government which the people of Maine can afford. The people which the good Senator refers to as being people from his District, constantly asking him to cut back state government, to reduce spending.

I would like to tell the Senator that I have a different side of that story, that I am not going to participate in the downsizing of government while a member of this Chamber, if it results in removing the safety net which so many of our citizens need and deserve. I would invite the good Senator to come up to my Committee for a day or two of Hearings, to sit and listen to the people who are in need of state services here; the deaf, the developmentally disabled, the very sick, the very poor, and the elderly of this state. Spend a few days with us listening to the very great needs which these people have, and to realize that the only way these needs can be addressed is through us, we the people here, sitting as representatives of the people who sent us here. We represent them to make government work for them.

So I, like he, am not looking forward perhaps, to the next couple of months that we will be here, and to deal with the painful task of making revenues come out to be enough to meet the needs of the people of this state in a reasonable fashion. But unlike he, I will not be sitting here, working on a Budget that is going to remove the safety net which I have described. I am going to be here to make sure that safety net stays in place. Thank you Mr. President.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Maine Senate. Along with my colleague from the County of Cumberland, Senator Conley, I rise this afternoon in response to the some of the comments by my good friend and colleague from the County of Franklin, the Republican Floor Leader, Senator Webster. Senator Webster noted in his comments that the Budget document that we have before us this afternoon, constitutes in his view, a major victory for Maine people, and he bases his rationale because he views this document as a precursor to a new and improved, streamlined version of state government.

I would agree with the Senator in part, and disagree with the Senator in part. I would agree with him that this is a victory, at least of sorts, at least for Maine people, but I would disagree with him when he views this document as a precursor to a downsizing of Maine government. In my view, what the Budget document is, is an affirmation of the principle of democracy in action. Over the past, painful, and tortuous four months, virtually every member in this Body has had repeated contact with constituents and consumers of state government services, as well as with people, who in fact, finance state services. This Legislature rejected the simple solution which would have been to drastically cut state services in the guise that we had a fiscal crisis without a true appreciation of the long term consequences of those cuts. That is precisely why the document we have before us today does, as alluded to by my colleague from Cumberland, Senator Conley, this document does contain essential social services for people in our state who are in vital need of those services. Be it health care, be it income assistance, nutritional benefits, or what not. The point in all this, is that there is no ascetic algorithm which will be used to fashion our response to the states fiscal problems. There is no

ideologically driven solution to our states fiscal problems. We had solemn obligations, each and every one of us, when we ran for public office and we took our oath of office, to serve our people to the best of our abilities. Yes, that means tightening our belt when times are difficult, but it also means always being willing to hear and have compassion and understanding, even when our emotions and our energies have dragged over the last four months.

I have major concerns about the process by which we have fashioned this compromised Budget this afternoon, Mr. President. It seems to me that there has been a significant change in the tenure of Maine government, not in the services that we provide, but in the way that our publicly elected officials arrive at consensus and compromise. Without question, these Chambers have seen tempestuous, and difficult, and long drawn arguments in the past. Without question, in the past, issues have surfaced that have tested the temperament and goodwill of many of our colleagues today, or in the past. But from my prospective, the very tenure of legislative service has been altered, and I have seen that change in the past six months. For too often, I have heard people question not just the wisdom of another members position, but also their good faith in bringing positions to this floor and to this Chamber. We are all painfully aware of changes in our society and the changes in the way that the members of this Chamber are elected. We are all painfully aware of the increasing costs associated with running for office, and with the apparent full-time professional nature of this position. I think that all of us would agree that being a member of the Maine State Senate in 1991 is a much different proposition than it was ten, or twenty, or thirty years ago.

I can accept that, I recognize times change. What I have a difficult time accepting is how we view each other. We come in in the morning, we hear a prayer, we make some volant gestures towards good will to each other. All too often over the past three or four months, those symbolic gestures of good will have eviscerated over the course of the days proceedings. Too many times we question each others good will and purpose in joining the debate on what state government should do for people. I think it axiomatic that if we persist with this breakdown in the way we function persists, we will not be able to arrive at consensus on the far more difficult task of crafting a Biennial Budget. I have no illusion as a person who believes strongly in the efficacy of government intervention to improve people's lives. I will not be happy or pleased with the Biennial Budget which I will be asked to vote on sometime later this year. But that really isn't the point. In the past we have been able to transcend philosophical or political or partisan differences, under a mutual understanding of the necessity to go forth in good will. Not to serve any particular private agenda, but to serve the agenda of the people of the State of Maine. Maine is a very special place to live. We come back to our state, we see a billboard that tells us, "Maine, the way life should be". I am beginning to wonder if that isn't just wishful thinking.

As many in this Chamber know, I am somewhat of a baseball buff. About a month ago I went down to Portland for a baseball card signing. I waited four hours to get Yaz's and Dewey's signatures. I had a

lot of fun, I talked baseball for four hours. When I got to Dwight Evans, there was a fellow ahead of me who had played baseball on Dewey's baseball team when Dewey was twelve years old. It was truly a touching and an emotional moment that these two friends, separated for twenty-five years, coming together in Portland Maine. But the joy of the moment waned rapidly, because an usher from the company that was sponsoring this event, simply ushered away the good friend. He couldn't spend two minutes with Dewey Evans! Baseball has changed that much. When I was a little boy, I went to the ball park, I saw the ball players, and I rejoiced in that for my life. So baseball has changed. We can never get that back.

I think that the same sort of thing is happening here in Maine politics. The common wheel, the mutual respect that all of us have shared, the respect for each other because we have been willing to take time from our private lives to serve our fellow person. That is all changed. Goodness knows the next three or four months are going to be challenging, far more challenging than what has happened in the past! I believe that we have within ourselves to resolve the problems of state, but we are going to have to change the way we intercourse and interact with each other. We are going to have to recall that we are not Democrats, or Republicans, or Liberals, or Conservatives, or what have you. We are Mainer's! And we have to recall that Maine is truly a special place to live. In the final analysis, whatever Bill is a Democratic Bill, or a Republican Bill, may have some significance to those of us who run for public office, but I bet you no one in the State of Maine knows, and no one cares. What they care is that government care for them and respond to the needs of Maine people.

That takes me back to where I began. I think that this is a victory of sorts for Maine people, because their Legislature at this particular time is dominated by Democrats. But their Legislature has responded to the needs of Maine people, and the Democrats and Republicans have heard that. Although we have had some difficult times, we have finally been able to put together a Budget that I think does address the social concerns of our state, and yet brings us within the limited financial resources available to us. I urge every member of this Body to listen very carefully to what I say, to take it home with you tonight. It is far more important that whenever we end our legislative service, that we know that we have done all within our power to do what is right, not what advances some particular Parties agenda, but what is right by Maine people. It is so simple a truth, and yet apparently so difficult for us to abide by that simple truth. Thank you Mr. President.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think I would be remiss if I didn't say a few things before this passed. I would first like to say to the members of the Senate, that the staff that has helped us along the way have been taxed to the ultimate. Sometimes not sleeping for two days at a time. Sometimes only getting two or three hours in two or three days of work. As a matter of fact, seventeen hundred hours

of overtime. Maxed out in overtime already on just one Bill. Never complaining, always working, always trying to be as nonpartisan as they possibly can be. As a matter of fact, I have never received any complaint from members of the opposite political Party, which I am a member of, that they were lean one way or another. They always did their diligent duty. I would like to say, and I hope that they are listening, that words alone are inadequate to say how much all of the members of our Committee appreciated all of the work that they did, they do, and I know they will do in the future. We are blessed with some of the finest minds, and some of the finest dispositions that any Committee, or any Legislature could ever, ever have.

I would like to also say that with all the events that took place this year, which one could never have anticipated, that I lost a Co-Chair, and was faced with the inability to turn to somebody and say, "Now what do you think about this, and what do you think about that?" The appointment that was made to replace the good Representative of Winslow, Representative Carter, could not have been better. She has been a marvel to work with, a wonderful person, and I can see her in my mind putting her hand on her hip and pointing to me with her finger in my face saying, "You behave", and giving me the devil when I was wrong, and not only me, but a lot of other people. She has been the staying power that I needed, and I think the whole Committee needed, and was complimented a number of times last night by members of the other Party for how well she did. She stepped into a very difficult situation, drew on a lot of experience, and I can not compliment her enough on how she performed.

I would like to finally say, that I appreciate all the kind words and encouragement that people have given not only to me, but to the Adhoc Committee, and all the other people who attempted to solve this problem. I am just pleased it is all over.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Under suspension of the Rules, ordered sent forthwith.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Laws Regarding Nonresident Income Taxes"

S.P. 31 L.D. 45

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

- BOST of Penobscot
- ESTY of Cumberland
- COLLINS of Aroostook

Representatives:

- DIPIETRO of South Portland
- DORE of Auburn
- DUFFY of Bangor
- TARDY of Palmyra
- NADEAU of Saco
- CASHMAN of Old Town
- BUTLAND of Cumberland
- HEPBURN of Skowhegan

The Minority of the same Committee on the same subject reported that the same **Ought to Pass**.

Signed:

Representative:

- MURPHY of Berwick

Which Reports were **READ**.

Senator **BOST** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending the motion of Senator **BOST** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Resolve, to Authorize the County of Franklin to Acquire a Certain Parcel of Land in Coburn Gore
H.P. 774 L.D. 1106

Tabled - March 13, 1991, by Senator **CLARK** of Cumberland

Pending - **REFERENCE**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.)

(In House, March 13, 1991, referred to Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.)

Senate at Ease

Senate called to order by the President.

Which was referred to Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

The President requested that the Assistant Sergeant-at-Arms escort the Senator from Cumberland, Senator **CLARK** to the Rostrum where she assumed the duties as President Pro Tem.

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

Senate called to Order by the President Pro Tem.

Senator **PRAY** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **PRAY**: Thank you Madam President. Ladies and Gentlemen of the Senate. First of all, I realize that your Hearings are late, and I apologize for delaying this process any further. I want to compliment the good Senator from Penobscot, Senator Pearson, the good Senator from Cumberland, Senator Brannigan, and the good Senator from Hancock, Senator Foster, on the work that they had done in the past one hundred days in dealing with the Legislative Budget. They were a difficult one hundred days, some of the most difficult days that I have seen in this legislative process. A time period in which a fair amount of maneuvering have occurred, maneuvering among elected leaders of this state.

We are at a point where many might normally think that we should breath a sigh of relief, where we can feel good, give a round of congratulations, and compliment everybody for the work that they have done in this past time period, and a sense of accomplishment. Though I think that while we have been able to get over this one hurdle, to address it in a full sense of accomplishment that we have achieved an end result, really is premature. It is really not a time for celebration because of the task that lies ahead of us. It is a major mile stone that we have accomplished, but a much larger one faces us in the future.

But I want to make a few comments in reference to where we have just come from, and some of what has occurred, so it may serve as a warning and set a tone for the next hurdle that we have to jump. I think that this institution, in many instances, has reached a low point. I need to congratulate the good Senator from Androscoggin, Senator Gauvreau, in his assessment, as well as the good Senator from

Cumberland, Senator Conley, and to the obligations and responsibilities of an elected official to represent all the constituents and all of the citizens of our state. I feel that in the past several months, and several weeks, that we have seen the media shamelessly manipulated. Our citizens have been victimized, our institution has been violated. The questions of good faith and good will of individuals of which we cannot, without those feelings towards one another, govern. They have been questioned, and we need to restore that as we move on into the question that lies ahead of us in the difficult times. During the past one hundred days, you have seen how self government in a state can be manipulated and twisted for the sake of political advantages. We have seen how quickly the arena of democracy can be undermined when demagoguery takes center stage. And for what.

In too many instances for the temporary, transitional, and shifting advantage of shaping just the morning headlines in the next days newspaper. During the past one hundred days we have seen stories that claim that the Legislature lacked the stomach to make cuts. This morning I read one story that stated that the Legislature has finally accepted cuts. And to that we can craft an amendment to a Bill that we have just enacted and is sent forthwith, thus no longer before us. For the Record, the Legislature, and on behalf of the members of my Party, I would like to set the record straight in this Chamber. The Majority Party through its members on the Appropriations Committee and leadership, has throughout proposed more cuts that were rejected by both the Administration and the Minority Party that's represented in this Legislature, even when, and for the sake of a compromise, the Majority Party agreed to abandon millions of dollars in cuts that were unacceptable to this Administration. And even then, when we were never more than two or three million dollars apart, those proposals were made, for the record of this Body, the fiscal differences that have divided us throughout the past one hundred days have never been about how much, but only about how you made those cuts. And obviously, that is the purpose of a Legislative Body, to decide how we form and shape our government, what policies we are to have implemented.

During the past one hundred days we have seen news stories that claim that the Administration, and that as the good Senator from Franklin, Senator Webster stated, that the Minority Caucus wants a government that Maine people can afford, and they want to seek to downsize government. For the Record, every proposal for true downsizing, every proposal for reducing bureaucracy, every proposal to restructure state government, to make it more efficient, to make it more effective, every proposal that was offered to the Administration was either rejected, deferred, or postponed for more studies. In many instances in the spirit of negotiations, proposals were made, only later to reappear as a proposals from the other side, but initially rejected. Looking carefully at the Budget that we passed today, you will see the Tourism Budget. Cuts in the Majority Report restored to full funding without a dollar saved. You will see a Deputy Commissioner of Agriculture cut in the Majority Report, restored to the state payroll. You will see an Assistant Commissioner of Education cut in the

Majority Report, restored to the bureaucracy. You will see the Director of Community Services, the Commission for Women, separate State Planning and Economic Development Offices that were to be combined for efficiency and effectiveness of government, removed from that government. Those were the efforts of downsizing that were rejected. For the sake of a compromise with the Administration, the downsizing, the restructuring, the long term savings have been put off for another day, to be revisited, but not for the downsizing of government today.

During the past one hundred days, I have seen the stories that claim that the Legislature refused to cut its own Budget, that the Legislature staff is too large and serves no purpose. The good Senator from Penobscot, Senator Pearson, has already pointed out that we have accumulated seventeen hundred hours of overtime in the middle of the month of March, which normally is only achieved by the end of the legislative session. We also cap our employees on how much overtime they can occur, so there will be no additional overtime for those individuals as we go into the final months of the legislative session. For the Record of this Body, and for the citizens of this state, it is important to understand that this Legislature has met and exceeded every budget cutting target asked of it by the Governor. Even though the Governor himself, and virtually every other state department were unable to meet those targets in the past. In the Budget that we just passed, the Legislative Budget is cut by more than one point four million dollars, nearly a seventeen percent cut of our third and fourth quarter allocations. The target you may recall, initially was fifteen percent. Last year, The One Hundred and Fourteenth Legislature cut a million dollars from its Budget, which makes more than two and a half million dollars overall. The Administration had proposed those cuts last year as a percentage cut, and the Legislature was the only one as a Body of Government that reached that targeted goal. The Governor now has initiated a Furlough Program by Executive Order. He has asked the Legislative and Judicial Branch to join him. The Legislature made the necessary cuts in savings so that it did not have to institute a Furlough Program. It did it with voluntary leave, a proposal that the Administration a year ago had made. Its failed to reach its target. This branch of government did so and exceeded it.

When I opened my remarks, I said it really wasn't a time for congratulations because of the task that lies ahead of us. I think it is important to keep that in mind. Obviously, some will say that my remarks have been inflammatory, that my remarks made by the perception interpretation of some be in a political overtone, and to some degree they are. But in the light of trying to set the record straight, because each of us have attempted to be accountable and responsible to the task that we are charged with, as Chair of the Legislative Counsel, as Presiding Officer of this Chamber, obviously, participating with the rest of the members of leadership, the fiscal operation of this Legislature is something that I hold near and dear. And as I look back over the tenure of my service and leadership and in this Legislature, I think we probably have the most accountable and responsible operation of the Legislature in that tenure of that seventeen years that I have served. If you go back in the Records,

and you look ten to fifteen years ago, and attempt to access where the Legislature was spending its money, you can find out more today than you could ever before. We have not completed the task, we should be scrutinized as the rest of government should be.

The good Senator from Penobscot, Senator Bost, also lined out in his remarks the responsibilities of this institution in the days ahead as we attempt to look at the new direction that the State of Maine's government is going to go. It is important that we understand that task lies ahead of us. I could echo the remarks of the good Senator from Androscoggin, Senator Gauvreau, and the Senator from Cumberland, Senator Conley, as to our obligations and responsibilities on behalf of all citizens of Maine. But as we attempt to resolve the Budget difficulties that lie ahead of us, the gauntlet has been tossed down to the Appropriations Committee, and to all of us. It is not only to provide a government that Maine people can afford, but a government that Maine people deserve. It is our obligation to take advantage of this economic situation we are faced with, shaping a government that meets the needs of Maine citizens. In those needs, obviously, we need to access the ability of our citizens to pay for that government. But we must address how best to deliver a government that is effective and efficient. We cannot allow a NIMB attitude. Those of you that have participated in the Legislative Municipal Summit will have heard me use the NIMB, "Not In My Budget". To play the shuffle or the shift game that too many people in Washington have done over the past decade, of passing those obligations and responsibilities to somebody else to pay, is not accepting the responsibilities of which we obligated ourselves to when we ran for election and to the oath office that we took, when we successfully succeeded in that campaign, and serve in this Chamber today. Taking the money or shifting of those obligations and responsibilities to local government, or to those on fixed incomes, to the young, to our old, to the sick, just to the advantage of the wealthy is not our obligation and responsibility. It is a mixture and combination of those things that will see us through the difficulties that we face in the remaining three months of this session.

And obviously, there are some who would love to get up and respond. I will close by only saying that I offer my hand out to those who want to work to meet those obligations and responsibilities of doing the very best that we can for all of our citizens. Not just a special group, or a segment of our society, but to all of those people that we serve. Thank you very much Madam President.

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

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Penobscot, Senator Pray, has issued us a challenge to each of the thirty-five members of this branch of Legislature, the Maine Senate. I think it is incumbent on each of us as elected officials of the State of Maine to accept that challenge. I accept it, and I can tell you, I appreciate his remarks, his

perception of the way the Budget process proceeded. I can tell you also that there is not one member of this Senate that is totally happy with the Legislative Budget that was just passed. While I stood and applauded after enactment of this legislation, it was more for the people that have spent hours, days, weeks, nights, weekends, holidays, here in this Legislative Chamber, the staff and the Senators that I was applauding.

I don't like everything in this Legislative Budget. I don't like the fact, for example, that the Sherman School was treated differently than any other school in the Maine School System. I don't happen to care for that, but again, we talk about the art of compromise, and those are issues that were compromised. We talk about the Legislative Budget, and I think that the good Presiding Officer of the Legislative Counsel did a good job in helping us pare back the Legislative Budget, but I would remind the membership that the Legislative Budget, also, had a leg up, because it had a balance extended forward, we were allowed to carry a balance forward that other branches, other areas of government did not have that similar luxury.

I would like, from another prospective, commend the Governor of the State of Maine, and not only the Governor himself, but his staff, because along with the staff, along with the Legislative staff, the people that assist the Appropriations Committee, and our staff here in this Chamber, and the other Chamber, is the Governor's staff. They have spent long, tedious, frustrating hours working with the Appropriations Committee, working with leadership, working with the individuals that helped shape this Budget. I would like to commend them. I think they have done an outstanding job as well. I would like to commend the Governor who is faced with a task that is not envied by any of us. He is under the Constitution required to balance the Budget. He took positions in that Budget that are not popular with any of us, Republicans or Democrats. He faces a task ahead of him difficult because he is of a different Party than the Legislature, and I think that always creates a difficult situation for a Governor.

But in the end, ladies and gentlemen, in the end we began to do the right thing for the citizens of the State of Maine. We began to send a message to those citizens that things are not going to be the way they have been for the past ten years. Things are different. Maine is in a recession. People are losing jobs all over the State of Maine, not just state employees. I heard when I went home last night from a person from Bath Iron Works who was just laid off, with very little notice, and he wanted to know what I could do about it. Of course, I can't do anything about it. You are going to hear some more stories as we proceed through this Legislative Session. Stories of hardship, stories of people who are losing their security net, as the good Senator from Cumberland, Senator Conley, spoke of earlier. And I think each and every one of us here is going to make a good faith attempt to protect the truly needy citizens of the State of Maine, and at the same time, make a government that is more affordable for the citizens of the State of Maine.

So I accept on the part of the Republican Caucus in this Legislature, the challenge of the good Senator from Penobscot, Senator Pray. I think that it is good that we are ending this on a more positive note than perhaps has been echoed in this Senate Chamber earlier and in earlier Budget debates. I think we are going to need the strength of each other and for each of our colleagues and our staff as we proceed down what probably will be the most difficult of trails in the next three months as we continue to serve the citizens that elected us.

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **PRAY** of Penobscot, **ADJOURNED** until Monday, March 18, 1991, at 4 o'clock in the afternoon.