

MAINE STATE LEGISLATURE

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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
Thursday
March 21, 1991

Senate called to Order by the President.

Prayer by Reverend Calvin Dame of the All Souls Unitarian Church in Augusta.

REVEREND CALVIN DAME: Let us pray. Spirit of life and love which moves through us and through all the world. May we this day be grateful for the gift of life which is ours, remembering today and always that the life we have and hold is to us a mystery, and precious. May we this day be reminded of the responsibilities we carry, not so that we may be intimidated or overwhelmed, but so that we may be true to them, so that we may be faithful in carrying them forward. May we this day maintain a sense of perspective, remembering who we are, engaging in the tasks at hand, but understanding our limitations, understanding our own shortcomings, and forgiving ourselves and others when we fall short of perfection. May we this day be inspired, be filled with new breath, be filled with new enthusiasm, be ready to see new opportunity, new perspectives, new possibilities, undiscovered avenues for action and resolution. May we this day remember those virtues which bless our lives and bless the lives of others; the virtues of caring and concern, the virtues of honesty and respect, the virtues of charity, industry and patience. And may the members of this Senate, this day, maintain a high sense of Your calling, remember You are invested here with honor and called to a wide vision of the world, a world made more fair, a world made more just, a world made more equitable by Your presence and Your work here. And so may we all seek to serve that which is good, to avoid that which we know to be evil, to live each day in thankfulness and in awe at the mystery of this gift of life we share. Amen.

Reading of the Journal of Monday, March 18, 1991.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 471

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourn until Monday, March 25, 1991, at 11 o'clock in the morning and the Senate adjourn until Monday, March 25, 1991, at 4:00 o'clock in the afternoon.

Which was READ and PASSED.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Appropriate Funds for the Maine Potato Breeding Program" H.P. 809 L.D. 1163

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

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

Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency) H.P. 819 L.D. 1173

Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency) H.P. 820 L.D. 1174

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 Clarify the Status of Employee Benefit Excess Insurance" H.P. 814 L.D. 1168

Bill "An Act to Strengthen the Mandatory Motor Vehicle Insurance Laws" H.P. 826 L.D. 1180

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 Concerning Slack-filled Food Packages"
H.P. 802 L.D. 1148

Bill "An Act to Clarify and Expand Reciprocity in the Certification of Nursing Assistants and Require the State Board of Nursing to Issue Certificates for Nursing Assistants"
H.P. 805 L.D. 1159

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 Provide a Vocational Planning Initiative for Secondary School Students"
H.P. 799 L.D. 1145

Comes 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 Concerning State Provision of Landfill Capacity for Municipal Solid Waste"
H.P. 798 L.D. 1144

Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale"
H.P. 812 L.D. 1166

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 for Accountability for Travel Expenses in the Department of Inland Fisheries and Wildlife"

H.P. 795 L.D. 1141

Comes 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 Increase the Collection of Child Support Payments"
H.P. 800 L.D. 1146

Bill "An Act to Change the Title of the Office of Dental Health"
H.P. 801 L.D. 1147

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.

Bill "An Act Relating to Name Changes During Divorce Proceedings"
H.P. 794 L.D. 1140

Bill "An Act to Amend the Child Support Law to Include Coverage for Children in College"
H.P. 803 L.D. 1149

Bill "An Act to Keep Portions of Foster Parent Licensing Records Confidential"
H.P. 808 L.D. 1162

Bill "An Act to Amend the Preliminary Protection Order"
H.P. 811 L.D. 1165

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

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

Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (Emergency)
H.P. 825 L.D. 1179

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

On motion by Senator **CLARK** of Cumberland, referred to Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

Bill "An Act to Disseminate More Rapidly Information Concerning Missing Children"
H.P. 797 L.D. 1143

Bill "An Act to Prohibit Certain Activities in Polling Places"
H.P. 807 L.D. 1161

Bill "An Act to Provide a 15-day Waiting Period on the Sale of Handguns"
H.P. 817 L.D. 1171

Bill "An Act to Allow State Employees to Donate Funds to a Political Cause Through a Payroll Deduction Program"
H.P. 821 L.D. 1175

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.

Bill "An Act to Amend the Shellfish Laws"
H.P. 815 L.D. 1169

Bill "An Act to Establish a Fund to Promote Lobster Marketing"
H.P. 818 L.D. 1172

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

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

Bill "An Act to Clarify the Appointment of Civil Emergency Preparedness Directors"
H.P. 810 L.D. 1164

Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties"
H.P. 813 L.D. 1167

Bill "An Act to Improve Outdoor Lighting"
H.P. 824 L.D. 1178

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 Conform the Maine Tax Code to the Federal Tax Code with Respect to Amended Returns"
H.P. 804 L.D. 1158

Bill "An Act to Suspend Certain Sales Tax Exemptions for One Year"
H.P. 806 L.D. 1160

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

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

Bill "An Act to Amend the Laws That Govern Stopping for Certain Approaching Animals"
H.P. 796 L.D. 1142

Bill "An Act to Make Emergency Changes to the Motor Vehicle Laws" (Emergency)
H.P. 816 L.D. 1170

Bill "An Act Regarding Vanity Plates for Automobile Dealers"
H.P. 822 L.D. 1176

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.

Off Record Remarks

Joint Resolutions

The Following Joint Resolution: H.P. 617

**JOINT RESOLUTION MEMORIALIZING THE
PRIME MINISTER OF ISRAEL RECOGNIZING HIS
RESTRAINT IN NOT EXERCISING ISRAEL'S RIGHT
TO RETALIATE AGAINST IRAQ**

We your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present to the Prime Minister of Israel as follows:

WHEREAS, we are outraged at the attacks against the civilian population of Israel by the Iraqis; and

WHEREAS, we condemn the wanton destruction of the lives of innocent men, women and children; and

WHEREAS, we want the people of Israel to know we are supportive of their efforts to work harmoniously with United States and allied forces during this period of war in the Middle East; and

WHEREAS, we admire the restraint of the Prime Minister in the face of repeated, unprovoked attacks; now, therefore, be it

RESOLVED: That we commend the people of Israel for their close cooperation with the United States, fortitude in a time of stress and forbearance in dealing with an unprovoked aggressor nation and assure them that Americans are with them wholeheartedly; and be it further

RESOLVED: That We, your Memorialists, respectfully commend the Prime Minister of Israel on his restraint; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each Member of the Maine Congressional Delegation and the Israeli Ambassador to the United States for transmission to the Prime Minister of Israel.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

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

Senator **BALDACCI**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Usually a Senator from another county doesn't get up and speak when someone, or some group, or some team are here to be honored as the Lawrence High School girls, the

State Class A Champions of 1991. But I have been fortunate along with the rest of my family in Bangor to be able to help feed this team for the last four visits at the restaurant. We have been very fortunate, indeed. Even though they were playing Millinocket, we were routing for you all the way.

But they have done a terrific job, and not only just in victory, but in the way they carried themselves, and the Senator from Kennebec, Senator Matthews, should be very proud, as I know he is, because he has told me so many other times of the team and the coach, Bruce Cooper, because they have instilled so much sportsman-like conduct. I would have thought if they had not been successful in the Tournament that they would have received the personality, congeniality awards from the Tournament.

I was very impressed, and I just want to relay that to members of the Senate and tell you that I am very, very proud of all of you. Thank you Mr. President.

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. As the Senator from Kennebec, and representing the Town of Fairfield, and all of the young students in other towns that make up Lawrence High School, I am very, very proud today. Also, to recognize Coach Cooper, and the outstanding team that has now taken the championship ball back to Fairfield. I would just say that for my colleagues in this Chamber, and for the good President, and the other good Senator from Penobscot, Senator Baldacci, this team will be back again to reclaim that ball again. Lawrence has a proud history of very, very strong athletic teams and strong efforts in the ways of academics. And in combining the two, this Senator is very, very proud of the achievement of the young women here representing the Champions of the State. Thank you very much Mr. President.

Senator **CONLEY** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **CONLEY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. On behalf of the other Senator from Cumberland, Senator Brannigan, and myself, we too, of course, wish to extend our congratulations to the young women from Lawrence High School. I would say to the Senator from Kennebec, Senator Matthews, my congratulations also.

We from Portland are happy having been in the Championship game for something like eight out of the last ten years, to share with you this Championship. We feel many here in this Chamber, and you will hear this in your life many times, people around Maine feel that people from Portland have everything. So we are happy to extend our congratulations to you and share this with you. I will say, though, we were depressed about losing to you, Coach Cooper, and your

very able team. We are particularly depressed to learn that Ms. Blodgett is only a Freshman, and we may have to be looking at her for the next three years to come. Perhaps Senator Matthews may be correct in his assessment that you may bring back even another Championship to your area.

Our team, for some reason, went dull in the last nine minutes of the game. I don't know exactly what happened, we were just getting ready to celebrate, then you out scored in the last five minutes. A job well done. Congratulations to you and enjoy your day here in Augusta. Thank you Mr. President.

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

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

Senator **KANY** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **KANY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. As the Senator of the neighboring community of Waterville, I just want to offer congratulations and let the athletic excellence of your team not go unnoticed by your neighbors. We are equally proud of you in Waterville, even though sometimes, of course, you have been opponents on the courts. But we are very proud of you, and we want you to know that.

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

THE PRESIDENT: The Chair would like to extend another congratulations to the Lawrence team on the accomplishments that they have achieved thus far at the perils of many of those who have faced them during the year. The Chair again extends his own personal congratulations.

The Following Joint Resolution: H.P. 793

**JOINT RESOLUTION PETITIONING THE GOVERNOR
TO RESCIND HIS ACTIONS IMPLEMENTING
DELAYED PAY DATES**

WHEREAS, state employees provide vital and necessary services, as determined by the Legislature and approved by the Governor, to the citizens of the State; and

WHEREAS, the timely and efficient provision of services requires sufficient personnel to operate in a productive and cost-effective manner; and

WHEREAS, the Governor has ordered the systematic deferral of paychecks resulting ultimately in an additional week's delay in pay dates for the purpose of depriving employees of a portion of their salary; and

WHEREAS, the imposition of lag pay dates effectively constitutes the levy of a special tax or assessment on state workers between now and the end of the fiscal year on June 30, 1991; and

WHEREAS, several budgetary alternatives to the lag pay-date plan have been presented and received bipartisan support from a majority of the Legislature; now, therefore, be it

RESOLVED: That we, the members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session petition the Governor to rescind his letter of February 13, 1991 that implements lag pay dates; and be it further

RESOLVED: That a suitable copy of this joint resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr.

Comes from the House **READ** and **ADOPTED**.

Which was **READ** and **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair would also note that today is Agriculture Day, customary that the Legislature pause to reflect upon the significance of the Agriculture Community in our state.

The Chair is pleased to recognize the Maine Egg Festival Queen, Angela Walker, escorted by the Senator from Kennebec, Senator Matthews. The Chair is pleased to recognize the Maine State Grange Queen, Angela Patten, accompanied by the Senator from Oxford, Senator Twitchell. The Chair is pleased to recognize the Maine Sea Goddess, Dawn Goss, escorted by the Senator from Knox, Senator Brawn. And the Chair is pleased to recognize the Maine Blueberry Queen, Jennifer Lynn White, accompanied by the Senator from Lincoln, Senator Holloway.

The Chair would like to welcome the Maine Blueberry Queen, Jennifer White, to make remarks to the Senate in reference to today's recognition of the significance and importance of agriculture.

JENNIFER LYNN WHITE: Good morning, and greetings from all of the agriculture industries in Maine. Maine is very lucky, because of the climate and agricultural conditions, which are very diversified,

allow for the production of several major products.

I am Jennifer White, and I have spent the past six months representing one of these products, blueberries. During this time, I have become acquainted with people from all over Maine who have been chosen to represent the primary agricultural industries. Dawn represents the Lobster Industry, covering the Maine Coast from Kittery to the Down East. Angela represents the centrally Maine located industry of eggs. Jossette, who had to leave early, promotes the Maine Potato Industry, which is located in the fields of Aroostook County. Angel represents the whole agricultural industry, and myself, who promotes the Maine Blueberry Industry.

As you can see, every sector and county of Maine participates in some aspect of the agricultural industry. Though I have not had direct involvement in another of Maine's money making industries, that of tourism, it is due to the products that are represented here today, that out of stater's are often attracted to our vacation land. Thousands flock to the annual Rockland Seafood Festival. One must also realize how important these industries are, because when shopping in local grocery stores, whether here in Maine or in other states, you often see products such as Maine potatoes, or some things as large as Pillsbury products which have Maine blueberries in them. They are also promoted on their labels quite loudly. These Maine industries depend on you, our Maine Legislators, to create guidelines that will protect the longevity of our state's products without jeopardizing the livelihood of their producers.

I recently read an article by Bill Moyer, who discussed the importance of communication, and how the art of it has been lost. His comment was, "No longer is much discussion taking place, instead, it has become a source of entertainment." That is why action such as the recent State Fisherman Forum in Rockport, is considered a very positive step towards aligning producers to voice their concerns and suggest ideas for protecting their products. We are very pleased that you, our Legislators, were there to listen and seek out communication from these who will be directly affected by your vote.

We would like to thank you for inviting us here, today, and in helping to celebrate our state in its Maine products. Thank you.

THE PRESIDENT: The Chair would like to express on behalf of all of the Senators, our appreciation and gratitude for the representation that you do for your industries, as well as the Agriculture Industry as a whole, and particularly, the fact that we get to share in so many of those goodies today in the Rotunda. The Chair would like to extend his appreciation on behalf of all the members of the Legislature, and particularly, the Maine Senate. Thank you.

COMMUNICATIONS

The Following Communication: S.P. 464

115TH MAINE LEGISLATURE

March 19, 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 Michael A. Wiers of St. Albans for appointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA Section 2952, 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:

**ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE HOUSE STATION 120
AUGUSTA, MAINE 04333**

February 28, 1991

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

Dear Senator Pray:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1990. This report is submitted to you in accordance with 38 M.R.S.A. 1453 (4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

The Advisory Commission's office is on the third floor of the Maine State Retirement Building at the corner of Sewall and Capitol streets. The office telephone number is 289-3059. If no one answers (the staff is mostly part-time), our toll-free telephone number, 1-800-453-4013, is connected to a 24-hour answering machine. You are cordially invited to call whenever you or your constituents need information about radioactive waste management.

Sincerely,

S/Rep. James Mitchell
Chair
Advisory Commission on
Radioactive Waste

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

SENATE PAPERS

Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws"

S.P. 443 L.D. 1187

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **GOULD** of Waldo,
Representative **MERRILL** of Dover-Foxcroft and
Representative **HANDY** of Lewiston

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

Sent down for concurrence.

Bill "An Act Relating to Workers' Compensation Self-insurance"

S.P. 448 L.D. 1192

Presented by Senator **RICH** of Cumberland
Cosponsored by Senator **THERIAULT** of Aroostook,
Representative **HASTINGS** of Fryeburg and
Representative **TAMMARO** of Baileyville
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Create a Logging Fund to Provide Safety and Reasonably Priced Guaranteed Insurance for the State's Logging Industry"

S.P. 470 L.D. 1253

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Representative **GOULD** of
Greenville, Representative **POWERS** of Coplin
Plantation and Representative **PARADIS** of
Frenchville

Committee on **BANKING AND INSURANCE** suggested and **ORDERED PRINTED.**

On motion by Senator **CLARK** of Cumberland, Tabled
1 Legislative Day, pending **REFERENCE.**

Bill "An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years"

S.P. 453 L.D. 1229

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Amend the Motor Vehicle Dealer Manufacturer Laws"

S.P. 459 L.D. 1235

Presented by Senator **TWITCHELL** of Oxford
Cosponsored by Senator **BALDACCI** of Penobscot and
Representative **GRAHAM** of Houlton

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

Sent down for concurrence.

Bill "An Act Relating to Restructuring the Public Schools"

S.P. 445 L.D. 1189

Presented by Senator **ESTES** of York
Cosponsored by Representative **CROWLEY** of Stockton
Springs, Representative **NORTON** of Winthrop and
Representative **HANDY** of Lewiston

Bill "An Act Relating to the Education of Homeless Students"

S.P. 466 L.D. 1249

Presented by Senator **LUDWIG** of Aroostook
Cosponsored by Senator **BRANNIGAN** of Cumberland
and Representative **AULT** of Wayne
Submitted by the Department of Education pursuant
to Joint Rule 24.

Bill "An Act to Amend and Improve the Laws Relating to Education"

S.P. 469 L.D. 1252

Presented by Senator **BRAWN** of Knox
Cosponsored by Representative **BARTH** of Bethel and
Representative **O'GARA** of Westbrook
Submitted by the Department of Education pursuant
to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act Relating to Navigation Dredge Maintenance Projects"

S.P. 441 L.D. 1185

Presented by Senator **ESTES** of York
Cosponsored by Representative **CARLETON** of Wells,
Representative **FARNUM** of South Berwick and
Senator **SUMMERS** of Cumberland

Bill "An Act to Amend the State Ground Water Classification System and Implement the Maine Wellhead Protection Program for the Protection of Public Water System Wellheads" (Emergency)

S.P. 447 L.D. 1191

Presented by Senator **KANY** of Kennebec
Cosponsored by Representative **JACQUES** of
Waterville, Senator **TITCOMB** of Cumberland and
Representative **HOGLUND** of Portland

Bill "An Act to Clarify the Definition of Beverage"

S.P. 454 L.D. 1230

Presented by Senator **CLEVELAND** of Androscoggin

Bill "An Act Concerning Special Waste Landfills" (Emergency)

S.P. 472 L.D. 1264

Presented by Senator **DUTREMBLE** of York
Cosponsored by Representative **WENTWORTH** of
Arundel, Senator **PEARSON** of Penobscot and
Representative **MORRISON** of Bangor
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Prohibit the Siting of Landfills within 10 Miles of Municipalities That Host or Have a Waste-to-energy Facility" (Emergency)

S.P. 473 L.D. 1265

Presented by Senator **DUTREMBLE** of York
Cosponsored by Representative **DUTREMBLE** of
Biddeford, Senator **BOST** of Penobscot and
Representative **SHELTRA** of Biddeford
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Which were referred to the Committee on **ENERGY**
and **NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Continue the Demonstration Project Serving Victims of Alzheimer's Disease in the State"

S.P. 438 L.D. 1182

Presented by Senator **PEARSON** of Penobscot
Cosponsored by Speaker **MARTIN** of Eagle Lake,
Representative **MACBRIDE** of Presque Isle and
Representative **MAHANY** of Easton

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

Sent down for concurrence.

Bill "An Act to Amend Certain Provisions of the Maine Bail Code"

S.P. 440 L.D. 1184

Presented by Senator **MILLS** of Oxford
Cosponsored by Representative **GWADOSKY** of
Fairfield, Representative **PARADIS** of Augusta and
Representative **MAYO** of Thomaston
Submitted by the Department of the Attorney
General pursuant to Joint Rule 24.

Bill "An Act to Facilitate and Consolidate Certain District Court Cases"

S.P. 455 L.D. 1231

Presented by Senator **BERUBE** of Androscoggin

Bill "An Act to Allow Right of Entry for Department of Marine Resources Personnel"

S.P. 458 L.D. 1234

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **GOULD** of Waldo and
Representative **LOOK** of Jonesboro
Submitted by the Department of Marine Resources
pursuant to Joint Rule 24.

Bill "An Act to Reestablish Capital Punishment in the State"

S.P. 462 L.D. 1238

Presented by Senator **BRAWN** of Knox (By Request)

Bill "An Act to Remedy Statutory Inconsistencies" (Emergency)

S.P. 463 L.D. 1239

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Representative **PARADIS** of Augusta and Representative **COTE** of Auburn

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

Sent down for concurrence.

Bill "An Act to Provide Individual and Family Health Insurance Coverage and Pension Coverage for Injured Workers"

S.P. 442 L.D. 1186

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Senator **MCCORMICK** of Kennebec

Bill "An Act to Amend the Municipal Public Employees Labor Relations Laws"

S.P. 465 L.D. 1248

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senator **CLARK** of Cumberland, Representative **CAHILL** of Mattawamkeag and Representative **OLIVER** of Portland

Bill "An Act to Provide Union Security Rights for Municipal Public Employees"

S.P. 467 L.D. 1250

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Representative **TOWNSEND** of Eastport and Representative **HANDY** of Lewiston

Bill "An Act to Raise the Family Allowance in Unemployment Compensation Benefits to a Reasonable Dependent Support Level"

S.P. 468 L.D. 1251

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Representative **OLIVER** of Portland and Representative **TREAT** of Gardiner

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

Sent down for concurrence.

Bill "An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the Department of Public Safety"

S.P. 451 L.D. 1227

Presented by Senator **FOSTER** of Hancock
Cosponsored by Representative **NORTON** of Winthrop, Representative **CARROLL** of Gray and Senator **HOLLOWAY** of Lincoln
Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Bill "An Act Concerning Continuances Requested by Petitioners in Hearings for Operating under the Influence"

S.P. 460 L.D. 1236

Presented by Senator **CONLEY** of Cumberland

Resolve, to Allow Martin L. Bruno to Bring Suit Against the City of Lewiston and Its Employees

S.P. 461 L.D. 1237

Presented by Senator **CONLEY** of Cumberland

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

Sent down for concurrence.

Bill "An Act Regarding Taking Scallops in the Swan's Island Cable Area"

S.P. 437 L.D. 1181

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **GOULD** of Waldo, Representative **MITCHELL** of Freeport and Representative **FARREN** of Cherryfield
Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Bill "An Act Regarding the Relaying of Shellfish"

S.P. 439 L.D. 1183

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **GOULD** of Waldo, Representative **MITCHELL** of Freeport and Representative **FARREN** of Cherryfield
Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Bill "An Act to Foster Marine Research"

S.P. 450 L.D. 1226

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **GOULD** of Waldo, Representative **MITCHELL** of Freeport and Representative **HEINO** of Boothbay
Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Bill "An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site"

S.P. 456 L.D. 1232

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **GOULD** of Waldo and Representative **LOOK** of Jonesboro
Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Bill "An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources"

S.P. 457 L.D. 1233

Presented by Senator **VOSE** of Washington
Cosponsored by Senator **GOULD** of Waldo and Representative **MITCHELL** of Freeport
Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act Concerning Public Representation on Professional and Occupational Boards or Commissions"

S.P. 444 L.D. 1188

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **HOLLOWAY** of Lincoln, Representative **GURNEY** of Portland and Representative **LEBOWITZ** of Bangor

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 446 L.D. 1190

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Senator **PEARSON** of Penobscot, Representative **KILKELLY** of Wiscasset and Representative **CASHMAN** of Old Town

Bill "An Act Regarding the Issuance of Identification Cards"

S.P. 452 L.D. 1228

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senator **TWITCHELL** of Oxford

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

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon were 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 **TAXATION** Bill "An Act to Require Registration of Temporary Renters of Retail Space"

H.P. 228 L.D. 319

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 **TRANSPORTATION** Bill "An Act Concerning Vanity Plates"

H.P. 156 L.D. 241

From the Committee on **TRANSPORTATION** Bill "An Act to Amend the Minimum Age for Obtaining a Driver's License"

H.P. 372 L.D. 526

Change of Reference

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Enhance the Laws Governing Financial Responsibility"

H.P. 686 L.D. 985

Reported that the same be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**.

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

The Bill **REFERRED** to the Committee on **BANKING AND INSURANCE**, in concurrence.

Ought to Pass

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend Maine's Commercial Lines Cancellation Laws"

H.P. 427 L.D. 610

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**.

The Committee on **UTILITIES** on Bill "An Act to Provide Funds to the Maine Rural Water Association for Services to Water and Wastewater Systems" (Emergency)

H.P. 328 L.D. 458

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**.

Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act to Provide for a Student Member of the Board of Trustees of the Maine Technical College System"

H.P. 173 L.D. 258

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-35)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-35)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-35) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning Capital Improvements and Impact Fees"

H.P. 44 L.D. 63

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-22)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-22)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-22) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Establish a Permanent Fishing License System for Older Citizens" (Emergency)

H.P. 33 L.D. 43

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-26)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-26) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Regarding Possession of Certain Weapons, Implements or Aids"

H.P. 78 L.D. 106

Reported that the same **Ought to Pass As Amended by Committee Amendment "A" (H-23)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-23) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Expand the Law Concerning Failure to Wear a Flotation Device"

H.P. 105 L.D. 148

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-25)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-25) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Allow Minors to Make Anatomical Gifts"

H.P. 186 L.D. 279

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-36)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-36)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-36) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Repeal the Sunset on Immediate Wage Withholding for Child Support Awards" (Emergency)

H.P. 20 L.D. 23

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-30)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)**.

Which Report was **READ**.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We have before us today a unanimous Report by the Joint Standing Committee on Judiciary, dealing with L.D. 23, which is entitled as you know, "An Act to Repeal the Sunset on Immediate Wage Withholding for Child Support Awards". I support this measure, but I think it is important that before we go on to accept the Report today, and enact this Bill into law later this week, you should be aware of what we are doing in child support policies here in the State of Maine.

In 1988, the Congress enacted, and the President signed into law "The Family Support Act of 1988". Now that Act was an historic piece of legislation dealing with the collection of child support in our country. It was motivated in no small part due to the complete inadequateness of payments of child support awards by many obligator's spouses throughout our country. There were several provisions in that act which were then and remain today somewhat controversial.

Perhaps no more controversial section in "The Family Support Act" exists than that dealing with the old issue of child support and wage withholding. Congress has adopted a set of financial penalties which would be visited upon states which do not adopt wage withholding measures to comply with "The Family Support Act". In our state, if we do not comply with this new federal mandate, we will see a reduction of federal dollars available for beneficiaries under our AFDC Program. The Congress has phased in this mandatory wage withholding, and as you know, wage withholding in this context means that a court would require that a obligator's spouse's income be attached weekly to insure payment of child supports regardless, regardless of whether the obligator's spouse had been completely attendant to his or her child support payments. Now, as of 1991, any parent of a child who is receiving AFDC assistance will be subject to the mandatory wage withholding order, and in April of 1994, all parents in our state, whether children receive AFDC or not, if the children are entitled to a child support order, than the obligator's spouse, the person ordered by the court to contribute towards child support will be subject to a wage attachment order.

Now this issue has been discussed at great length in the Committee on Judiciary. In fact, while he was a member of Committee, the good Senator from Cumberland, Senator Conley, I think, raised as many legitimate policy questions on the need for such a mandatory wage withholding policy in Maine. As you may or may not know, Maine is actually one of the better states in our nation in terms of percentage of

successful child support recoveries from obligator's spouses. We are by no means perfect, or even where we should be, but we are certainly on top of the list in terms of the United States. Notwithstanding that the Judiciary Committee last year adopted for a period of six months, they adopted the Federal Mandate on Wage Withholding. We put a sunset as of April 1991, and the sunset would revert the law back to where it was prior to our ascending to the federal mandate. Today, the Committee is recommending that we rescind the sunset so that we would, in fact, fully comply with the federal mandate.

I think it is an important issue that you should be aware of. I would have no doubt, no doubt whatsoever, that many or if not all of you in future years will hear many concerns and complaints, I dare say, from the employer community asking as to the appropriateness of requiring all their employees to have their wages garnished. The matter is simply a matter of federal policy, if Maine does not recede to this request, Maine would lose thousands, perhaps even someday millions of dollars in reimbursement in the AFDC Program. 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. I wish to concur with the remarks made by the good Senator from Androscoggin, Senator Gauvreau, referring to some of the very bad, bad policy decisions which this piece of legislation reflects. Not only is it going to make people who may have proven that they have the ability to pay their child support on time be required to have their wages withheld by their employer, it is also, and this is the one point I want to raise, which the good Senator from Androscoggin, did not raise, it is also going to put an incredible burden on small businesses across this state to comply with the federal government's never ending requests for paper work. These small businesses are going to have to, whether this person has shown if they can or cannot pay their child support payments on time, withhold this person's wages, and anybody that runs a small business or is familiar with one, knows what those forms entail, how much time they consume, and how much time will be consumed by employees in forwarding those monies to the Department of Human Services.

I think this Bill is being thrust upon us, this state has no choice, it will lose money if we do not pass this Bill, which is how the federal government has done so many other things to us. Basically, if we have to pass it, I think that it makes little sense, and it is another example of how the federal government is making the state do things without giving us any money to carry out what it is requiring us to do, and we will only lose money if we don't do it.

So the small business people in this state are going to bear the burden of complying with what this piece of legislation requires them to do, and many good citizens without any questions, asked about whether or not they are able and willing to pay their child support payments, are just going to have their wages garnished. It is not a good idea. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator FOSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. How does this affect someone that is self-employed?

THE PRESIDENT: The Senator from Hancock, Senator Foster has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. In reference to a person who is self-employed, the Department of Human Services would be seeking to work out an arrangement with them on a one on one basis. Self-employed people, lobsterman, painters, people who are kind of on the skirts of organized business, have always been for the Department of Human Services, probably their chief concern in trying to collect child support payments. In other words, they are not able to catch up with many people who claim self-employed status. They still, I believe, would be affected by the Bill, and that if they have a corporation, or sole proprietorship, they probably would be required pursuant to this legislation, to have their own wages withheld and forwarded to the Department, rather than to pay voluntarily. I don't think they are affected any differently than a larger business.

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

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. As I heard the statement of Senator Gauvreau from Androscoggin, this Bill would prevent a cost shifting to the state of the responsibility of raising children. I am wondering, if I understood Senator Conley's objection, if it has to do with merely the garnishing of wages, and if the Senator could explain the competing public policy questions therein.

THE PRESIDENT: The President has posed a question through the Chair to anyone who would like to respond. The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. The legislation before us this afternoon basically is designed to comply with the federal requirement that Maine go along with a mandatory wage garnishment, or wage withholding provision for payment of child support. Again, if we do not recede to the federal requirement, we will be penalized with "The Family Support Act" of 1988.

I have, in fact, had discussions with the Regional Administrator of the Department of Human Services. The Judiciary Committee had intervened with our federal delegation. We sought, basically, to secure a waiver from Washington because Maine has, in fact, been a leader among the states in terms of collecting child support from all obligator's parents. But we were advised rather resoundingly that we could not obtain such a waiver. The policy

choice here is really very, very simple. If we choose not to go along with mandatory wage withholding, we will be penalized in terms of loss of federal money, federal money which does, in fact, match state contributions of payment of beneficiaries on our AFDC Program. Currently, Maine does have what we refer to as conditional wage withholding orders, so that whenever anyone goes to court and is required to pay child support, a court will routinely order that if the person is twenty-one or more days in arrears in his or her child support, then, in fact, wage garnishment will occur, so that we will not allow a delinquent wage earner to shirk his or her child support obligations. What this federal law is doing, is that we are saying to all parents, whether or not you are delinquent in your child support, you will have your wages attached. As of now, all parents whose children receive AFDC will have their wages attached automatically, and in three years hence, all parents, regardless of whether your child receives AFDC or not, all parents who are subject to child support orders, will have their wages attached on a weekly basis.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. Are other states different than Maine? What a stigma there is to the garnishment of wages in this state. It is an absolute disgrace when that is done! At least in my growing up, anyone who was having their wages garnished were certainly suspect, was ashamed, and in fact, the threat of it was sufficient to get someone to remember their duties, whether it was to their children or to their other creditors. It is beyond me to understand how that could be put onto the backs of people the state has no other involvement with, never mind, just stigmatizing poor people. I don't understand that at all. I commend the two gentlemen and their Committee for fighting this over the years. I wish we could just fight some more. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Listening to this discussion today, I applaud the good Senator from Androscoggin, Senator Gauvreau, and others, and I think it is very important that we not forget, as the good question from the Senator of Kennebec, Senator McCormick, the public policy issue from the Congress and the President of the United States, is the children also have some part to play in the equation.

It is the children as we know in this Chamber, and in this legislature, that we have stood behind, often forgotten, and the children in a situation such as this where a spouse has basically run for the hills and left a young child or two at home with a single parent, that is a public policy issue, the children are the issue. The garnishment is because of our concern for the young children, that they are not left out in the cold, as well as the spouse. I want to get that on the Record today. I think that is the reason we have done what we have done today. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. My understanding of this Bill is that it isn't just for children who have been neglected by their supporting parents, but everyone. Everyone in the future will be required to be garnished! I suppose now we are all working for anti-stigma in the area of people with mental health, but we have got to go in the next three years and try to do away with stigma for garnishment! If there is no provocation, there should be no penalty.

Which was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-30) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Abolish the Homestead Tax Exemption"
H.P. 147 L.D. 219

Reported that the same **Ought to Pass As Amended** by Committee Amendment "A" (H-31).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-31)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-31) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Definition of a Street Rod"
H.P. 151 L.D. 236

Reported that the same **Ought to Pass As Amended** by Committee Amendment "A" (H-27).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-27)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-27) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Long Pond Water District Charter" (Emergency)

H.P. 85 L.D. 119

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (H-24).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-24).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-24) **READ** and **ADOPTED**, in concurrence.

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

Senate

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:

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Regarding the Forestry, Natural Habitat, Water Quality and Environmental Impacts of Pesticide Use"

S.P. 46 L.D. 72

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 **MATTHEWS** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Amend the Board of Counseling Professionals Licensure Laws"

S.P. 67 L.D. 120

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (Emergency)

S.P. 32 L.D. 46

Reported by Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Make the Director of the Office of Substance Abuse a Position Requiring Legislative Confirmation"

S.P. 41 L.D. 65

Reported by Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members"

S.P. 248 L.D. 657

Ought to Pass As Amended

Senator **KANY** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Revise the Law Respecting Insurers' Dividend Distributions"

S.P. 71 L.D. 127

Reported that the same **Ought to Pass As Amended** by **Committee Amendment "A" (S-28).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-28) **READ** and **ADOPTED.**

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit the Governor's Term of Office

S.P. 103 L.D. 190

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

Signed:

Senators:
BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

LARRIVEE of Gorham
HEESCHEN of Wilton
JOSEPH of Waterville
WATERMAN of Buxton
ST. ONGE of Greene
GRAY of Sedgwick
KERR of Old Orchard Beach

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

Signed:

Representatives:

LOOK of Jonesboro
NASH of Camden
SAVAGE of Union

Which Reports were **READ.**

On motion by Senator **BERUBE** of Androscoggin, the Senate **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

Sent down for concurrence.

SECOND READERS

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

Senate

Resolve, to Rename Pickle Island to Woodie Wheaton Island
S.P. 284 L.D. 766

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Real Estate Brokerage Laws"

S.P. 64 L.D. 116
(C "A" S-27)

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

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act Regarding Judgment Notices in Small Claims Proceedings"

H.P. 263 L.D. 383

Tabled - March 18, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In Senate, March 18, 1991, **READ A SECOND TIME.**)

(In House, March 13, 1991, **PASSED TO BE ENGROSSED.**)

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

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

Reported by Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Prohibiting the Driving or Parking of Vehicles on Ice-covered Bodies of Water"

S.P. 216 L.D. 543

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 **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Prohibit Drinking in Motor Vehicles"

S.P. 137 L.D. 277

Reported by Senator **MILLS** for the Committee on **LEGAL AFFAIRS** Bill "An Act Concerning the Retention of Power Packs Used in Ballot Counting Machines" S.P. 271 L.D. 730

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Liquor Pricing" S.P. 74 L.D. 130

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

Signed:

Senators:

MILLS of Oxford
KANY of Kennebec

Representatives:

LAWRENCE of Kittery
PLOURDE of Biddeford
DAGGETT of Augusta
POULIN of Oakland
RICHARDSON of Portland
STEVENS of Sabattus
TUPPER of Orrington
BOWERS of Sherman
HICHENS of Eliot

The Minority of the same Committee on the same subject reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-29)**

Signed:

Senator:

SUMMERS of Cumberland

Representative:

JALBERT of Lisbon

Which Reports were **READ**.

Senator **SUMMERS** of Cumberland moved to Table 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

Senator **CLARK** of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **SUMMERS** of Cumberland, to Table 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

A Division has been requested.

Will all those in favor of the motion of Senator **SUMMERS** of Cumberland, to Table 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **SUMMERS** of Cumberland, to Table 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**, **FAILED**.

Senator **MILLS** of Oxford moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I move that we reject the Senator from Oxford, Senator Mills, motion. The Report is simply a Bill that would allow those individuals, who hold liquor licenses through retail, certain products at a higher price due to the fact that they are refrigerated. I think it is a prudent move, and I move that we reject the Senator from Oxford, Senator Mills, motion.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise today and hope you will support the bipartisan Majority Ought Not To Pass Report. It was felt by the majority of the members on the Committee that we did not feel that state agency stores and state liquor stores should be in the process of refrigerating products for sale, that it goes against the basic traditions of the State of Maine, which has been a controlled state on alcohol that is purchased from state liquor stores. If people wanted to change that policy, than they should do away with the state liquor stores altogether, which is another Bill we can talk about later on. But, besides that, we didn't feel that businesses who want to refrigerate those products are already able to do so, if they choose to do so, and that the state should not be making any changes to allow them to charge different or more expensive prices. There is nothing to already stop them from doing it if they want to do it, but we didn't feel that the state should be getting involved with that issue. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would simply like to point out that under current liquor laws, we do allow beer and wine, which is sold at retail, to be sold at whatever price the retailer deems necessary, whether it is refrigerated or not, and this would simply extend that same benefit to those individuals who operate agency liquor stores. Thank you.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to support the Senator from Oxford, Senator Mills, on this issue, the 11 to 2 Ought Not To Pass Report of the Legal Affairs Committee. It is because we are a controlled state on hard liquor that we do mandate and regulate the prices of hard liquor even though it is sold in

an agency store. One of the objections of almost all of us on that Committee, was that to encourage refrigeration would be to encourage, perhaps, immediate consumption, and we believe that as long as we were a controlled state, we should not do that. Besides, to be perfectly honest, this is perhaps inappropriate for our public policy making at the legislative level, and we urge support of the Majority opinion.

Senator **CAHILL** of Sagadahoc requested a Division.

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

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is basically a constituent Bill of mine. I was asked last fall if this Bill could be presented, and I was more than happy to do so for the constituent. The basic premise of it is often times in our area, when people are getting out of the Bath Iron Works, they are driven in big busses, and in vans, and they often stop at these little quick stops along the way to pick up either bread, milk, and maybe a cold one for the ride home. They are not driving themselves, they are riding in the busses and the vans, and I saw no problem in doing this.

As I recall from the Hearing, the Liquor Commission did not take a position on the Bill. They didn't support and they didn't oppose. The man who wanted the Bill, basically, was saying in order to provide more shelf space, more refrigeration space, and help in putting them on the shelves, that perhaps there would be a three or five cent increase in the item. Thank you Mr. President.

Off Record Remarks

On motion by Senator **WEBSTER** of Franklin, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

ORDERS OF THE DAY

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

Resolve, to Require Assistance for Economic and Community Development Activities (Emergency)
S.P. 428 L.D. 1139

Tabled - March 18, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(Committee on **HOUSING AND ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED.**)

(In Senate, March 18, 1991, under suspension of the Rules, **READ TWICE**, without reference to a Committee.)

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "A" (S-30) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relating to Ordinary Death Benefits under the Maine State Retirement System"
H.P. 859 L.D. 1225

Comes from the House referred to the Committee on **AGING, RETIREMENT AND VETERANS** and **ORDERED PRINTED.**

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

Bill "An Act to Promote the Marketing of Fresh Produce Grown Within the State"
H.P. 827 L.D. 1193

(See Action Later Today)

Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State"
H.P. 875 L.D. 1261

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

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

Senate at Ease

Senate called to order by the President.

Senator **GAUVREAU** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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

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

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

Senator **MATTHEWS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to take a moment here to call the members of this Body your attention to an item that was on Page Nine of our Calender today, Item 149, "A Joint Resolution Memorializing the Prime Minister of Israel Recognizing His Restraint In Not Exercising Israel's Right To Retaliate Against Iraq". Before we close for today's session, I think it is important to mention on the Record, that this, I am sure that my colleagues in this Body and in the Senate all feel as I do, as the entire people of this state and across this nation, that our good friends, the members of the State of Israel, showed an incredible amount of restraint and courage in not responding to the acts of violence, and terrorism, and bombings. Yesterday, I heard a report that as the Congress was going through its discussions of the Persian Gulf Conflict, of Jewish citizens in Iraq being tortured, hung in the public square, persecuted. The State of Israel and our good friends of the Jewish faith have had a history that goes many, many years, and hundreds of centuries ago of withstanding prosecution. I know as one member of this Chamber, and as all of you, we are sincerely proud of the restraint of Israel. We are sincerely proud of their friendship, their comradeship over the years, and the strength, and that friendship should only continue by the great courage again exemplified by the State of Israel, when you are surrounded by enemies. I just wanted Mr. President to take a moment and mention that on the Record. Thank you Mr. President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Help Municipalities with the Costs of Capital Construction to Correct Combined Sewer Overflows"
H.P. 841 L.D. 1207

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

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

Bill "An Act to Authorize the Town of Casco to Operate Amusement Devices without Requiring Proof of Insurance" (Emergency)
H.P. 862 L.D. 1242

Bill "An Act to Amend Certain Provisions of the Insurance Code Involving the Powers of the Superintendent"
H.P. 867 L.D. 1247

Bill "An Act to Prohibit the Sale of Disease Insurance Policies that Provide Only Minimal Protection"
H.P. 869 L.D. 1255

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.

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **AGRICULTURE**:

Bill "An Act to Promote the Marketing of Fresh Produce Grown Within the State"
H.P. 872 L.D. 1193

On further motion by same Senator, referred to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Maine Consumer Credit
Code"

H.P. 829 L.D. 1195

Bill "An Act to Amend the Laws Pertaining to
Pastoral Counseling Professionals"

H.P. 835 L.D. 1201

Bill "An Act Relating to the Sale of Business
Opportunities"

H.P. 840 L.D. 1206

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 Permit Maine School
Administrative District Number 53 to Apply for State
School Construction Aid for a Building to be Operated
in Conjunction with Maine Central Institute"

H.P. 857 L.D. 1223

Bill "An Act to Increase the Minimum State
Allocation to School Units"

H.P. 863 L.D. 1243

Bill "An Act to Require Payment of Rent for the
Residences of University of Maine System Presidents"

H.P. 865 L.D. 1245

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

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

The **ADJOURNMENT ORDER** having been returned from
the House **READ** and **PASSED**, in concurrence, on motion
by Senator **BOST** of Penobscot, **ADJOURNED** until Monday,
March 25, 1991, at 4:00 in the afternoon.