

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

PAPERS FROM THE HOUSE

House Papers

In Senate Chamber
Thursday
April 4, 1991

Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery"
H.P. 964 L.D. 1391

Senate called to Order by the President.

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

Prayer by Major Walter Douglass of the Salvation Army in Augusta.

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

MAJOR WALTER DOUGLASS: Our Father, let us never be ashamed to come to Thee in prayer, for we are Thy children, and You are our Father. We come to You seeking strength and guidance for the night's work. You know the challenge of meeting the needs of the people, and You are aware of the greed and craftiness in the hearts of some, and the malice in the hearts of others. Being created in Thy lightness, may we do all we can to keep ourselves clean internally, and outwardly, and mentally. May we have courage to stand for what is right in the face of opposing factions, and stand by our convictions. We thank Thee, Lord, for our form of government, and those who feel called to serve, and elected to serve in this solemn Chamber. Forgive us of our sins, that we may forgive others, and may Thy richest blessing be upon all who are seated here, and the President, and our Governor of the state. This we ask in the name of our Lord and Savior, Jesus Christ. Amen.

Bill "An Act to Change the Geographic Representation of the Maine Potato Board"
H.P. 951 L.D. 1378

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.

Reading of the Journal of Monday, April 1, 1991.

Bill "An Act Increasing the Membership of the Nursing Home Administrators Licensing Board and Clarifying the Penalty for Unlicensed Practice"
H.P. 966 L.D. 1393

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

Off Record Remarks

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

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

S.P. 536

Bill "An Act to Repeal the Ban on Composite Material Beverage Containers"
H.P. 938 L.D. 1360

ORDERED, the House concurring that when the House and Senate adjourn, they do so until Monday, April 8, 1991, at five o'clock in the afternoon.

Bill "An Act to Establish an Environmental Training, Technical Assistance and Education Program" (Emergency)
H.P. 945 L.D. 1367

Which was READ and PASSED.

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

Bill "An Act to Establish Environmental Standards for Packaging"
H.P. 949 L.D. 1371

Bill "An Act to Establish the Environmental Appeals Board and to Amend Licensing and Permitting Procedures within the Department of Environmental Protection"

H.P. 950 L.D. 1372

Bill "An Act to Clarify the Payment of Fees for Testing Private Water Supplies"

H.P. 952 L.D. 1379

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 Improve Markets for Recycled Materials"

H.P. 967 L.D. 1394

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act Regarding Bow Hunting"

H.P. 953 L.D. 1380

Bill "An Act to Require Hunters of Upland Game to Wear Blaze Orange"

H.P. 961 L.D. 1388

Bill "An Act to Increase Hunting Opportunity by Allowing Sunday Hunting in Unorganized Townships"

H.P. 962 L.D. 1389

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

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

Bill "An Act to Increase the Personal Needs Allowance for Certain Elderly Persons"

H.P. 954 L.D. 1381

Bill "An Act to Authorize Involvement of the Department of Human Services in Providing School-based Child Care"

H.P. 959 L.D. 1386

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 Concerning Jury Duty"

H.P. 939 L.D. 1361

Resolve, to Develop Evidence Protocols and Standardized Kits for Cases of Alleged Gross Sexual Misconduct (Emergency)

H.P. 940 L.D. 1362

Bill "An Act to Provide Good Cause Basis for Extending the Notice of Claim Period"

H.P. 943 L.D. 1365

Bill "An Act to Amend the Uniform Rights of the Terminally Ill Act"

H.P. 944 L.D. 1366

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 Eliminate the Need for Notice of Claim When the Government Is Aware of a Claimant's Inquiries"

H.P. 941 L.D. 1363

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

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 to Allow for Criminal and Civil Prosecution for Animal Trespass Laws"

H.P. 963 L.D. 1390

Committee on **AGRICULTURE** suggested and **ORDERED PRINTED**.

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 to Require the Maine Job Training System Service Providers to Make Teen Parents a Priority"

H.P. 955 L.D. 1382

Bill "An Act to Protect the Integrity and Enforceability of Collective Bargaining Agreements"

H.P. 957 L.D. 1384

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

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

Bill "An Act to Modify the Revenue Sharing Formula to Take into Account Individual Needs of Towns"

H.P. 958 L.D. 1385

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Override of a Governor's Veto by a Three-Fifths Vote

H.P. 947 L.D. 1369

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

On motion by Senator **CLARK** of Cumberland, Tabled Unassigned, pending **REFERENCE**.

Bill "An Act to Restructure the Personal Income Tax System to Provide Greater Equity and Progressivity"

H.P. 942 L.D. 1364

Bill "An Act to Allow Landowners Who Do Not Post Their Property to Receive a Tax Exemption"
H.P. 948 L.D. 1370

Bill "An Act to Increase Revenue to the State"
H.P. 960 L.D. 1387

Bill "An Act to Permit Municipalities the Option of Local Taxes"
H.P. 965 L.D. 1392

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 Clarify the Authority of the Department of Transportation to Acquire Property for Environmental Mitigation Purposes"

H.P. 956 L.D. 1383

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

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

**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 Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (Emergency)

H.P. 968 L.D. 1395

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.

COMMUNICATIONS

The Following Communication: S.P. 537

115TH MAINE LEGISLATURE

April 3, 1991

Senator John E. Baldacci
Rep. Carl F. Sheltra
Chairpersons
Joint Standing Committee on Business Legislation
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated J. Franklin Howe of Bath for reappointment to the Maine Real Estate Commission.

Pursuant to Title 32, MRSA Section 13062, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **BUSINESS LEGISLATION**.

Sent down for concurrence.

The Following Communication:

115TH MAINE LEGISLATURE

March 29, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under Chapter 9 of the Public Laws of 1991 we have appointed Mr. Roger Hare of W. Buxton and Mr. David Flanagan of Freeport to the Special Commission on Governmental Restructuring.

Please let one of us know if you have questions about these appointments.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

The Following Communication:

115TH MAINE LEGISLATURE

April 2, 1991

Honorable Joy J. O'Brien
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to our authority under Chapter 9 of the Public Laws of 1991 we have appointed Mr. James Howaniec of Lewiston, Mr. Edward Laverty of Enfield and Ms. Charlene Kinnelly of Litchfield to the Special Commission on Governmental Restructuring.

Please let one of us know if you have questions about these appointments.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

The Following Communication:

**MAINE ADVOCACY SERVICES
ONE GRANDVIEW PLACE
WINTHROP, MAINE 04364**

March 19, 1991

Senator Charles P. Pray
Senate of Maine
State House Station 3
Augusta, Maine 04333

Dear Senator Pray:

The Board of Directors, Advisory Council, and staff of Maine Advocacy Services are pleased to present our 1990 Annual Report.

The report briefly discusses several client cases resolved during the year; explains the nature of client representation undertaken by the Developmental Disability Protection and Advocacy, Mental Health Protection and Advocacy, and Client Assistance Programs; and describes special accomplishments and projects. An executive summary is enclosed for your convenience.

MAS is the designated Protection and Advocacy System for Maine's citizens with disabilities. Our authority to pursue administrative, legal, and other remedies stems from the state enabling legislation, Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness, 5 MRSA §19501 et. seq.; the federal Development Disabilities Assistance and Bill of Rights Act, 42 USC §6042; and the federal Protection and Advocacy for Mentally Ill Individuals Act, 42 USC §10801 et. seq. MAS also operates the Client Assistance Program for the Bureau of Rehabilitation. This program is mandated by the federal Vocational Rehabilitation Act, 29 USC §732.

As always, if Maine Advocacy Services can be of assistance to you or your constituents, please do not hesitate to call upon us. Thank you.

Very truly yours,

S/Laura R. Petovello
Executive Director

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

SENATE PAPERS

Bill "An Act to Require All Watercraft Used on Inland Waters to Have Maine Registrations"
S.P. 533 L.D. 1416

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **LARRIVEE** of Gorham,
Representative **JACQUES** of Waterville and
Representative **SIMPSON** of Casco

Bill "An Act to Enhance the Trapping of Beaver"
S.P. 535 L.D. 1424

Presented by Senator **TWITCHELL** of Oxford

Which were referred to the Committee on **FISHERIES AND WILDLIFE** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Establish a System of Consumer Advocates for Persons with Severe and Prolonged Mental Illness"

S.P. 534 L.D. 1423

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Representative **MANNING** of Portland

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

Sent down for concurrence.

Bill "An Act to Retain Legal Services for Debtors"
S.P. 531 L.D. 1409

Presented by Senator **VOSE** of Washington

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

Sent down for concurrence.

Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Memorial Bridge"

S.P. 530 L.D. 1408

Presented by Senator **ESTES** of York
Cosponsored by Representative **LAWRENCE** of Kittery
and Senator **MILLS** of Oxford

Bill "An Act Concerning Work-restricted Licenses"
S.P. 532 L.D. 1415

Presented by Senator **CONLEY** of Cumberland

Which were referred to the Committee on **TRANSPORTATION** 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** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

From the Committee on **HUMAN RESOURCES** Bill "An Act Concerning the Administration of the General Assistance Program for Migrant Workers"
H.P. 438 L.D. 621

From the Committee on **HUMAN RESOURCES** Bill "An Act to Increase the Fees for Marriage Licenses and Certificates of Birth, Marriage or Death"
H.P. 677 L.D. 976

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Promote Community Involvement in Law Enforcement Activities and Provide Property Tax Relief" (Emergency)
H.P. 81 L.D. 109

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Correct Deficiencies in the Election Laws"
H.P. 170 L.D. 255

From the Committee on **MARINE RESOURCES** Bill "An Act to Create the Aquaculture Leasing Board"
H.P. 344 L.D. 474

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Allow the County Administrator to Assume the Duties of County Treasurer in Counties with an Administrator"
H.P. 387 L.D. 561

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 **AGING, RETIREMENT AND VETERANS** Bill "An Act to Extend the Right to Purchase Service Credits to State Employees Who Had Military Service in Grenada or Panama"
H.P. 212 L.D. 303

From the Committee on **HUMAN RESOURCES** Resolve, to Establish the Commission to Study Chronic Fatigue and Immune Dysfunction Syndrome (Emergency)
H.P. 512 L.D. 706

From the Committee on **HUMAN RESOURCES** Bill "An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes"
H.P. 528 L.D. 756

From the Committee on **LABOR** Bill "An Act Related to Workplace Safety Incentive Programs"
H.P. 304 L.D. 434

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Require Legislators to File Their Own Travel Expenditures"
H.P. 332 L.D. 462

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Redefine the Term "Committee" in the Maine Sunset Act"
H.P. 421 L.D. 604

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Increase the Fees for Recordings in the Registry of Deeds"
H.P. 525 L.D. 753

From the Committee on **TRANSPORTATION** Bill "An Act to Expand the Law Concerning Disabled Veteran Registration Plates"
H.P. 377 L.D. 551

From the Committee on **TRANSPORTATION** Resolve, to Provide for a Commemorative Motor Vehicle Plate to Celebrate the Bicentennial of the Town of Bucksport
H.P. 390 L.D. 564

Ought to Pass

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Warranty and Disclosure Requirements Applicable to Certain Sellers of Repossessed Vehicles"
H.P. 600 L.D. 860

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 **JUDICIARY** on Bill "An Act to Amend the Law Concerning the Court Appointed Special Advocate Advisory Panel"
H.P. 196 L.D. 287

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 **LEGAL AFFAIRS** on Bill "An Act to Strengthen the Operating-under-the-influence Laws" (Emergency)

H.P. 32 L.D. 42

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 Amend the Student Incentive Scholarship Program"

H.P. 200 L.D. 291

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-53)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-53) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Abolish the Pheasant Stamp Program"

H.P. 396 L.D. 570

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-55)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-55) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Laws Governing Disclosure of Information in Medical Support Recoupment and Child Support Cases"

H.P. 302 L.D. 423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-51)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-51) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **JUDICIARY** on Bill "An Act Regarding the Filing of a Uniform Traffic Ticket and Complaint by Law Enforcement Officers"

H.P. 208 L.D. 299

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-56)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-56) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **TRANSPORTATION** on Bill "An Act Requiring Motor Vehicle Operators to Furnish Their Date of Birth upon the Request of a Law Enforcement Officer"

H.P. 414 L.D. 597

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-54)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-54)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-54) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase the Proportion of the Real Estate Transfer Tax for Counties"

H.P. 627 L.D. 897

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

Signed:

Senators:

BOST of Penobscot
ESTY of Cumberland
COLLINS of Aroostook

Representatives:

DORE of Auburn
NADEAU of Saco
CASHMAN of Old Town
MAHANY of Easton
MURPHY of Berwick
BUTLAND of Cumberland
TARDY of Palmyra
DIPIETRO of South Portland
DUFFY of Bangor

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

Signed:

Representative:

HEPBURN of Skowhegan

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

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 **MILLS** for the Committee on **LEGAL AFFAIRS** Bill "An Act to Increase the Period of Suspension for Persons Convicted of Operating under the Influence"

S.P. 156 L.D. 368

Reported by Senator **MILLS** for the Committee on **LEGAL AFFAIRS** Bill "An Act Requiring the Governor to Proclaim a Vacancy When a Candidate for Nomination to Legislative Office Fails to Receive the Minimum Required Votes"

S.P. 238 L.D. 629

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Provide that Income Data for Maine State Retirement System Retirees be Made Available to the Maine State Retirement System"

S.P. 286 L.D. 768

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 **WEBSTER** for the Committee on **AGING, RETIREMENT AND VETERANS** Bill "An Act to Continue Disability Payments to Retirees"

S.P. 205 L.D. 532

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act Relating to Eligibility for the Elderly Low-cost Drug Program"

S.P. 214 L.D. 541

Reported by Senator **CLEVELAND** for the Committee on **UTILITIES** Bill "An Act Concerning Certain Personnel Records"

S.P. 263 L.D. 722

Reported by Senator CLEVELAND for the Committee on UTILITIES Bill "An Act Authorizing Measured Telephone Service for Business Customers"
S.P. 275 L.D. 734

Ought to Pass

Senator MILLS for the Committee on TRANSPORTATION on Bill "An Act to Amend the Laws Concerning the Aeronautical Functions Investigation"
S.P. 277 L.D. 736

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 CONLEY for the Committee on HUMAN RESOURCES on Bill "An Act to Change the Specifications for Membership of the Maine Dental Health Council"
S.P. 180 L.D. 489

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-39).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-39) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CONLEY for the Committee on HUMAN RESOURCES on Bill "An Act to Reestablish the Board of Visitors of State Institutions, except for the Augusta Mental Health Institute and the Bangor Mental Health Institute"
S.P. 279 L.D. 738

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-38).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-38) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CONLEY for the Committee on HUMAN RESOURCES on Bill "An Act to Amend the Laws Governing the Bath Children's Home"
S.P. 282 L.D. 741

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-37).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-37) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

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

House

Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston"
H.P. 521 L.D. 749

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Exempt the Repair and Maintenance of Road Culverts from Approval by the Department of Environmental Protection"
H.P. 98 L.D. 139
(H "A" H-50 to C "A" H-43)

Bill "An Act Regarding Zoning Variances"
H.P. 135 L.D. 195
(C "A" H-48)

Bill "An Act to Increase the Availability of Funding for Health Care"
H.P. 281 L.D. 401
(C "A" H-49)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Senate As Amended

Bill "An Act to Expand the Applicability of Certain Energy Standards"

S.P. 149 L.D. 361
(C "A" S-34)

Bill "An Act to Modify the Law Relating to Continuing Deliberation by a Civil Jury in the Face of Disagreement"

S.P. 313 L.D. 851
(C "A" S-36)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act Concerning Succession to the Position of Treasurer of State"

H.P. 103 L.D. 146

Tabled - April 1, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, April 1, 1991, **READ A SECOND TIME**.)

(In House, March 25, 1991, **PASSED TO BE ENGROSSED**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Day, 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** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator **BRAWN** for the Committee on **EDUCATION** Bill "An Act to Update Special Education Costs"

S.P. 52 L.D. 82

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act Concerning Federal Impact Aid for Education"

S.P. 72 L.D. 128

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act Providing for Low-income Student Adjustment in Education Funding"

S.P. 190 L.D. 499

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act to Provide Funding for Asbestos Treatment, Underground Tank Removal and Replacement, Roof Repair and Other Costs Associated with Federal Mandates"

S.P. 191 L.D. 500

Reported by Senator **BRAWN** for the Committee on **EDUCATION** Bill "An Act Concerning School Psychological Service Providers"

S.P. 293 L.D. 791

Reported by Senator **ESTES** for the Committee on **EDUCATION** Bill "An Act to Encourage the Return of Students to School"

S.P. 294 L.D. 792

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act to Improve Special Education Services to State Wards"

S.P. 295 L.D. 793

Reported by Senator **ESTES** for the Committee on **EDUCATION** Bill "An Act Pertaining to School Budgets"

S.P. 306 L.D. 815

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act Relating to Restructuring Maine Schools"

S.P. 314 L.D. 852

Reported by Senator **ESTES** for the Committee on **EDUCATION** Bill "An Act to Establish a Budget Authority within School Administrative Districts"

S.P. 330 L.D. 886

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Provide Greater Local Review of Proposed Low-Level Radioactive Waste Sites"

S.P. 229 L.D. 583

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Restrict the Transportation of Low-level Radioactive Waste"
S.P. 250 L.D. 708

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Allow Fort Knox State Park in Prospect to Retain All or Part of Its Admission Fees"
S.P. 272 L.D. 731

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Eliminate the Maine Land Use Regulation Commission"
S.P. 281 L.D. 740

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Establish a Strategic Petroleum Products Reserve System for the State" (Emergency)
S.P. 296 L.D. 794

Reported by Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Set a Moratorium on Issuing Permits for Septic Tanks"
S.P. 356 L.D. 958

Reported by Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** 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

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Amend the Child Support Guidelines"
S.P. 53 L.D. 83

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 **MCCORMICK** for the Committee on **AGING, RETIREMENT AND VETERANS** Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System"
S.P. 283 L.D. 765

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Exempt Tree Farms from the Forest Practices Laws"
S.P. 241 L.D. 645

Reported by Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Provide Assistance to Small Business Owners of Underground Oil Storage Tanks"
S.P. 262 L.D. 721

Reported by Senator **BERUBE** for the Committee on **JUDICIARY** Bill "An Act Regarding Change of Name upon Divorce or Annulment"
S.P. 140 L.D. 352

Reported by Senator **CLEVELAND** for the Committee on **UTILITIES** Bill "An Act to Encourage Internal Audit of Utility Operations"
S.P. 335 L.D. 910

Ought to Pass

Senator **ESTES** for the Committee on **EDUCATION** on Bill "An Act to Require the Earlier Determination of State Aid to Education"
S.P. 39 L.D. 61

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

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

The Bill **READ ONCE**.

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

Senator **MCCORMICK** for the Committee on **EDUCATION** on Bill "An Act to Amend the Law Governing the Election of Members to Regional Vocational Boards"
S.P. 252 L.D. 710

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

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

The Bill **READ ONCE**.

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

Senator **CONLEY** for the Committee on **HUMAN RESOURCES** on Bill "An Act Pertaining to the Licensing of Boarding Care Facilities"
S.P. 269 L.D. 728

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

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

The Bill **READ ONCE**.

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

Off Record Remarks

Ought to Pass As Amended

Senator **BRAWN** for the Committee on **EDUCATION** on Bill "An Act to Protect the Confidentiality of Library Records at Libraries of the University of Maine System"

S.P. 260 L.D. 718

Reports that the same **Ought to Pass as Amended by Committee Amendment "A" (S-42).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-42) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Provide Equity in the Natural Resources Protection Laws"

S.P. 125 L.D. 227

Reports that the same **Ought to Pass as Amended by Committee Amendment "A" (S-43).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-43) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CONLEY** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Prevent Multiple Assessments of Patients at the Augusta Mental Health Institute"

S.P. 323 L.D. 879

Reports that the same **Ought to Pass as Amended by Committee Amendment "A" (S-44).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-44) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Senator **CLEVELAND** for the Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Portland Water District"

S.P. 254 L.D. 712

Reports that the same **Ought to Pass as Amended by Committee Amendment "A" (S-41).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-41) **READ** and **ADOPTED.**

The Bill as **Amended, TOMORROW ASSIGNED FOR SECOND READING.**

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit Persons Holding State, County or Municipal Office from Soliciting Election Funds from Their Employees"

S.P. 210 L.D. 537

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

Signed:

Senators:

MILLS of Oxford
KANY of Kennebec
SUMMERS of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reports that the same **Ought to Pass as Amended by Committee Amendment "A" (S-40).**

Signed:

Representatives:

JALBERT of Lisbon
STEVENS of Sabattus

Which Reports were **READ.**

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**.

Off Record Remarks

Sent down for concurrence.

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **BRANNIGAN** of Cumberland, **ADJOURNED** until Monday, April 8, 1991, at 5:00 in the afternoon.

COMMUNICATIONS

The Following Communication: S.P. 542

115TH MAINE LEGISLATURE

April 4, 1991

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic
Development
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated George B. Terrien of Portland and Rebecca A. Flechtner of Old Town for appointments to the Maine State Housing Authority.

Pursuant to Title 30A, MRSA Section 4723, these nominations will require review by the Joint Standing Committee on Housing and Economic Development 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 **HOUSING AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.
