

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
April 11, 1991

Senate called to Order by the President.

Prayer by Reverend Edgar Jones of the Winthrop
Congregational Church in Winthrop.

REVEREND EDGAR JONES: Let us be in prayer.
Eternal God of the universe, Creator of this good
earth, we pause this evening to remember the
blessings that You give to us. We pray in this
Senate for wisdom and understanding. We pray that
the important will be seen for what it is and the
trivial seen for what it is. We ask Your blessing
upon this group that is gathered today, to work for
the needs of people in this state. We pray that they
may see with compassion and hope. Amen.

Reading of the Journal of Monday, April 8, 1991.

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

S.P. 570

ORDERED, the House concurring that when the House
and Senate adjourn, they do so until Tuesday, April
16, 1991, at five o'clock in the afternoon.

Which was READ and PASSED.

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

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the
Senate removed from the Tabled and Specially Assigned
matter:

SENATE REPORTS - from the Committee on JUDICIARY
on Bill "An Act to Prevent Discrimination"
S.P. 175 L.D. 430
(C "A" S-32)

Majority - Ought to Pass as Amended by Committee
Amendment "A" (S-32).

Minority - Ought Not to Pass.

Tabled - April 8, 1991, by Senator CLARK of
Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, March 28, 1991, the Majority OUGHT TO
PASS AS AMENDED Report READ and ACCEPTED and the Bill
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (S-32).)

(In House, April 1, 1991, the Minority OUGHT NOT
TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.)

On further motion by same Senator, the Senate
INSISTED in NON-CONCURRENCE.

(See Action Later Today)

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Providing a Procedure for the
Termination of the Degree-granting Authority of
Educational Institutions"

S.P. 273 L.D. 732

In Senate, April 1, 1991, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-73) in
NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Provide Funding for Volunteer
Literacy Services for Maine Citizens" (Emergency)
S.P. 291 L.D. 773

In Senate, April 1, 1991, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS
AMENDED BY HOUSE AMENDMENT "A" (H-74) in
NON-CONCURRENCE.

The Senate **RECEDED** and **CONCURRED**.

House Papers

Resolve, to Provide a Retirement Benefit to Erma Painter

H.P. 991 L.D. 1440

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 License Installers of Milking Equipment"

H.P. 995 L.D. 1444

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

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

Bill "An Act Transferring County Jail Operations to the State"

H.P. 998 L.D. 1447

Comes from the House referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Restrict Clear-cutting on Land Used for Drinking Water Supplies"

H.P. 993 L.D. 1442

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

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

Bill "An Act Concerning Snowmobile Registration Fees" (Emergency)

H.P. 996 L.D. 1445

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 Reduce the Caseload of the Workers' Compensation Commission"

H.P. 997 L.D. 1446

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure State Recognition of the Rights of Victims of Crime

H.P. 992 L.D. 1441

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.

Bill "An Act to Improve Records Management in Local Governments"

H.P. 994 L.D. 1443

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

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

COMMUNICATIONS

The Following Communication:

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

April 8, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Clement H. Smith of Monmouth, for appointment to the Animal Welfare Board.

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

YEAS: Senators 2
Representatives 9

NAYS: 0

ABSENT: 2 Sen. Titcomb of Cumberland, Rep. Nutting of Leeds

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Clement H. Smith of Monmouth, for appointment to the Animal Welfare Board be confirmed.

Sincerely,

S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Clement H. Smith of Monmouth, be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Chair noted the absence of the Senator from York, Senator **ESTES**, and further excused him from today's Roll Call votes.

The Chair noted the absence of the Senator from Cumberland, Senator **ESTY**, and further excused him from today's Roll Call votes.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **MATTHEWS**

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

ABSENT: Senators **BALDACCI, BRAWN, BUSTIN, EMERSON,**

EXCUSED: Senators **ESTES, ESTY**

1 Senator having voted in the affirmative and 28 Senators having voted in the negative, with 4 Senators being absent, and 2 Senators having been excused, and 1 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Clement H. Smith, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

Senator **MATTHEWS:** Thank you Mr. President. Mr. President, I wish to change my vote from YEA to NAY.

THE PRESIDENT: The Chair regrets to inform the Senator from Kennebec, Senator Matthews, that the Roll Call vote having been announced, the Senator is not able to change his vote.

The Following Communication:

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

April 8, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Michael A. Wiers of St. Albans, for appointment to the Maine Milk Commission.

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

YEAS: Senators 1
Representatives 8

NAYS: 0

ABSENT: 4 Sen. Titcomb of Cumberland, Sen. Emerson of Penobscot, Rep. Mahany of Easton, Rep. Nutting of Leeds

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Michael A. Wiers of St. Albans, for appointment to the Maine Milk Commission be confirmed.

Sincerely,

S/Senator R. Donald Twitchell S/Rep. Robert J. Tardy
Senate Chair House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Michael A. Wiers of St. Albans, be confirmed.

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

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

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

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

ABSENT: Senators BALDACCI, BRAWN, BUSTIN, EMERSON,

EXCUSED: Senators ESTES, ESTY

No Senator having voted in the affirmative and 29 Senators having voted in the negative, with 4 Senators being absent, and 2 Senators having been excused, and None being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Michael A. Wiers, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Reported by Senator GILL for the Committee on **HUMAN RESOURCES** Bill "An Act Concerning Income Eligibility for General Assistance" S.P. 389 L.D. 1066

Ought to Pass As Amended

Senator KANY for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Enhance the Supervisory Powers in the Maine Banking Code" (Emergency) S.P. 188 L.D. 497

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, as **Amended**.

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

Senate at Ease

Senate called to order by the President.

Senator **KANY** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Provide for Notice of Termination of an Insurance Agency Appointment"
S.P. 324 L.D. 880

Reports that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-57)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-57) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Change the Term "Handicap" in the Maine Human Rights Act"
S.P. 104 L.D. 191

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-53) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Provisions Regarding the Uniform Traffic Ticket and Complaint"
S.P. 131 L.D. 233

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-54) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **JUDICIARY** on Bill "An Act Relating to Discrimination in Membership in Golf and Country Clubs"
S.P. 172 L.D. 427

Reports that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-52)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-52) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Change the Process of Selecting the Commissioner of Education"
S.P. 51 L.D. 81

Reports that the same **Ought to Pass As Amended** by **Committee Amendment "A" (S-56)**.

Signed:

Senators:

ESTES of York
MCCORMICK of Kennebec

Representatives:

HANDY of Lewiston
OLIVER of Portland
CROWLEY of Stockton Springs
PFEIFFER of Brunswick
CAHILL of Mattawamkeag
O'DEA of Orono

The Minority of the same Committee on the same subject reports that the same **Ought Not to Pass**.

Signed:

Senator:

BRAWN of Knox

Representatives:

NORTON of Winthrop
O'GARA of Westbrook
AULT of Wayne
BARTH of Bethel

Which Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE OF EITHER REPORT**.

Senator **COLLINS** of Aroostook moved that the Senate **RECONSIDER** it's action whereby it **INSISTED** on:

Bill "An Act to Prevent Discrimination"
S.P. 175 L.D. 430
(C "A" S-32)

(In Senate, March 28, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-32).)

(In House, April 1, 1991, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would object to the motion by my good colleague from the County of Aroostook, Senator Collins. This matter, L.D. 430, has received as extensive and thorough of a debate as I believe is possible and practical. I think at this point further discussion would not be warranted. I think we have arrived at our respective positions, and I would therefore urge your opposition to the motion of my good colleague. 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. With respect to this item, which I am now asking for an opportunity, as well as some of us in this Chamber, to debate this issue, I do not agree with my good friend from Androscoggin, Senator Gauvreau, that this issue has received enough discussion. I ask anyone in this Chamber to stand up and say that they haven't heard from their constituents back home over the last few days. There is a great deal of outcry about the actions that this Legislature, some members of the Legislature, are trying to take on this issue. Many people do not agree with this particular Bill. Myself included. And simply, I must state for the Record my dismay, my somewhat state of shock in walking into this Chamber and finding this issue very quickly voted upon, and I must state further for the Record, that had I been in this Chamber and looked around this Chamber of the Senate and not seen the principal people on the opposition side, I would not have wanted to see this issue come up. That's considered basic protocol and courtesy, and I find that I am a little bit taken aback. This issue does need to be debated, ladies and gentlemen. It goes to the heart of what many of us in this Chamber, Republicans and Democrats, feel is a family issue. A moral issue. As important, in fact, more important than budgetary items, or other kinds of items that

are taking a great deal of time down here. I find it appalling! From the outset of this debate, some individuals would have us believe that the Senate, this Body of duly elected members, and the citizens of this State should not participate in this discussion, is amazing to me. Absolutely amazing. Victory at all costs.

Ladies and gentlemen, I hope that you will vote to reconsider this issue and give this issue an opportunity to be discussed by the membership of this Body. The public demands it, and I believe that your oath demands it as a Senator on an issue of this magnitude, and I hope you will vote to reconsider. Thank you.

On motion by Senator **MATTHEWS** of Kennebec, 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 Cumberland, Senator Clark.

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I must respond to the ever so gently phrased allegation of my good colleague, the Senator from Kennebec, Senator Matthews, in that a breach of protocol and/or courtesy occurred here this evening, and would apologize to any of those among my colleagues who feel that trickery was afoot.

I was requested to remove this item from the Tabled and Specially Assigned Table at the request of two Senators, who have obligations in their Senate Districts early this evening. Surely, we all knew that we were to convene at 5:00 o'clock, and that we were able to hear the bell, and be attendant to our responsibilities in a prompt and prudent fashion. If those among my colleagues this evening are offended, than I would submit that they have the option of accepting my sincere apology, but they also have my equally sincere invitation to be at their post of duty at the appropriate time. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **COLLINS** of Aroostook, to **RECONSIDER**.

A vote of Yes will be in favor of **RECONSIDERATION**.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator **TWITCHELL** of Oxford who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator **BALDACC**I of Penobscot who would have voted **NAY**.

Senator **DUTREMBLE** of York who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **BRAWN** of Knox who would have voted **YEA**.

Senator **THERIAULT** of Androscoggin who would have voted **YEA** requested and received Leave of the Senate to pair his vote with the Senator **ESTES** of York who would have voted **NAY**.

President **PRAY** of Penobscot who would have voted **YEA** requested and received Leave of the Senate to pair his vote with Senator **ESTY** of Cumberland who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **CAHILL, COLLINS, FOSTER, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, PEARSON, RICH, SUMMERS, WEBSTER**

NAYS: Senators **BERUBE, BOST, BRANNIGAN, BUSTIN, CARPENTER, CLARK, CLEVELAND, CONLEY, GAUVREAU, GILL, KANY, MCCORMICK, MILLS, TITCOMB, VOSE**

ABSENT: **EMERSON**

PAIRED: **BALDACCI, BRAWN, DUTREMBLE, ESTES, ESTY, THERIAULT, TWITCHELL, THE PRESIDENT - CHARLES P. PRAY**

Senator **BERUBE** of Androscoggin requested and received Leave of the Senate to change her vote from **YEA** to **NAY**.

11 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 8 Senators having paired their votes, and 1 Senator being absent, the motion of Senator **COLLINS** of Aroostook to **RECONSIDER, FAILED**.

SENATE PAPERS

Bill "An Act Regarding Survivor Benefits in the Event of Remarriage"

S.P. 549 L.D. 1453

Presented by Senator **MATTHEWS** of Kennebec

Bill "An Act to Amend Certain Laws Administered by the Maine State Retirement System"

S.P. 562 L.D. 1466

Presented by Senator **THERIAULT** of Aroostook

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

Sent down for concurrence.

Bill "An Act Relating to Registration of Electrologists"

S.P. 561 L.D. 1465

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **CARROLL** of Gray and Senator **CAHILL** of Sagadahoc

Bill "An Act to Amend the Electricians' Licensing Laws"

S.P. 565 L.D. 1485

Presented by Senator **MILLS** of Oxford
Cosponsored by Speaker **MARTIN** of Eagle Lake, President **PRAY** of Penobscot and Representative **PINEAU** of Jay

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

Sent down for concurrence.

Bill "An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A"

S.P. 569 L.D. 1489

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Senator **SUMMERS** of Cumberland, Representative **MANNING** of Portland and Representative **BAILEY** of Farmington
Submitted by the Department of Corrections pursuant to Joint Rule 24.

Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

Sent down for concurrence.

Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine

S.P. 548 L.D. 1452

Presented by Senator **CLARK** of Cumberland
Cosponsored by Representative **GWADOSKY** of Fairfield, Representative **CROWLEY** of Stockton Springs and Senator **FOSTER** of Hancock

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

Sent down for concurrence.

Bill "An Act to Provide Access for Persons with Physical Disability to the State's Recreational Areas"
S.P. 568 L.D. 1488

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senator **MCCORMICK** of Kennebec and
Senator **CLEVELAND** of Androscoggin

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Relating to the Long-term Care Ombudsman Program"
S.P. 550 L.D. 1454

Presented by Senator **CLARK** of Cumberland
Cosponsored by Representative **MANNING** of
Portland, Representative **TREAT** of Gardiner and
Representative **CONSTANTINE** of Bar Harbor

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

Sent down for concurrence.

Bill "An Act to Ensure National Standards of Care"
S.P. 560 L.D. 1464

Presented by Senator **CONLEY** of Cumberland

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Regarding Notice of Claim"
S.P. 552 L.D. 1456

Presented by Senator **MILLS** of Oxford
Cosponsored by Senator **CONLEY** of Cumberland,
Representative **OTT** of York and Representative
LAWRENCE of Kittery

Bill "An Act Relating to Court Security Personnel"
S.P. 554 L.D. 1458

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Senator **BERUBE** of Androscoggin,
Representative **POULIOT** of Lewiston and
Representative **COTE** of Auburn

Bill "An Act Relating to the Notice of Claim Provisions of the Maine Tort Claims Act"
S.P. 557 L.D. 1461

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Representative **ANTHONY** of South
Portland

Bill "An Act to Reconcile Dates Barring Claims in the Probate Code"

S.P. 559 L.D. 1463

Presented by Senator **CONLEY** of Cumberland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act Relating to Retirement Service Credits for Former Workers' Compensation Commissioners Who Became Judges before December 1, 1984"

S.P. 553 L.D. 1457

Presented by Senator **CONLEY** of Cumberland

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

On motion by Senator **CLARK** of Cumberland, referred to the Committee on **AGING, RETIREMENT, AND VETERANS**.

Sent down for concurrence.

Bill "An Act to Continue Authority for Seasonal Agency Liquor Stores" (Emergency)
S.P. 566 L.D. 1486

Presented by Senator **MILLS** of Oxford
Cosponsored by Representative **LAWRENCE** of Kittery
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Resolve, to Conduct an Independent Review of the Department of Human Services

S.P. 551 L.D. 1455

Presented by President **PRAY** of Penobscot
Cosponsored by Senator **BALDACCI** of Penobscot,
Speaker **MARTIN** of Eagle Lake and Representative
MANNING of Portland

Resolution, Proposing an Amendment to the Constitution of Maine Concerning Taxation of Condominiums and Planned Unit Developments

S.P. 558 L.D. 1462

Presented by Senator **BALDACCI** of Penobscot (By Request)

(See Action Later Today)

Bill "An Act to Establish the Law Student Loan Repayment Assistance Fund for Law School Graduates Pursuing Public Interest Employment"

S.P. 567 L.D. 1487

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Senator **GAUVREAU** of Androscoggin,
Representative **PARADIS** of Augusta and
Representative **STEVENS** of Bangor

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

Sent down for concurrence.

Bill "An Act to Standardize the Excise Tax on Large Trucks"

S.P. 555 L.D. 1459

Presented by Senator **THERIAULT** of Aroostook
Cosponsored by Representative **PARADIS** of Frenchville, Representative **MARTIN** of Van Buren and Speaker **MARTIN** of Eagle Lake

RESOLUTION, Proposing an Amendment to the Constitution of Maine Defining "Just Value"

S.P. 564 L.D. 1484

Presented by Senator **SUMMERS** of Cumberland (By Request)

Cosponsored by Representative **PENDLETON** of Scarborough

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

Sent down for concurrence.

Bill "An Act to Establish a Scenic Roadway Designation in the State"

S.P. 556 L.D. 1460

Presented by Senator **ESTES** of York

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

Sent down for concurrence.

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

Resolution, Proposing an Amendment to the Constitution of Maine Concerning Taxation of Condominiums and Planned Unit Developments

S.P. 558 L.D. 1462

On further motion by same Senator, **REFERRED** to the Committee on **TAXATION**.

Sent down 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 **EDUCATION** Bill "An Act to Change the Minimum Reimbursement for Education to the Unorganized Territories"

H.P. 167 L.D. 252

From the Committee on **EDUCATION** Bill "An Act to Enhance the Effectiveness of the Quality Incentive Adjustment Allocation"

H.P. 195 L.D. 286

From the Committee on **EDUCATION** Bill "An Act Concerning Impact Aid Funds"

H.P. 289 L.D. 410

From the Committee on **EDUCATION** Bill "An Act to Partially Fund Extraordinary Costs of Education in Island Communities"

H.P. 331 L.D. 461

From the Committee on **EDUCATION** Bill "An Act to Provide Access to School Facilities and Programs for Home-instruction Students"

H.P. 469 L.D. 663

From the Committee on **EDUCATION** Bill "An Act to Establish an Office of the Ombudsman at each Campus of the University of Maine System"

H.P. 483 L.D. 677

From the Committee on **EDUCATION** Bill "An Act to Require That School Administrative Units Be Paid the Actual Per Pupil Cost for Students from the Unorganized Territory"

H.P. 491 L.D. 685

From the Committee on **EDUCATION** Bill "An Act Regarding Recertification of Previously Certified Teachers and Other Educators"

H.P. 532 L.D. 760

From the Committee on **EDUCATION** Bill "An Act to Amend the Laws Relating to Funding of Education"

H.P. 560 L.D. 803

From the Committee on **EDUCATION** Bill "An Act to Establish a School Choice Program"

H.P. 597 L.D. 848

From the Committee on **EDUCATION** Bill "An Act Concerning Home Schooling"

H.P. 618 L.D. 888

From the Committee on **EDUCATION** Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities"

H.P. 634 L.D. 904

From the Committee on **ENERGY AND NATURAL RESOURCES** Resolve, to Establish a Maximum Water Level for Sebago Lake

H.P. 349 L.D. 479

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Amend the Law Pertaining to the State's Contribution to Pollution Abatement"

H.P. 499 L.D. 693

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Promote Plumbing Efficiency"

H.P. 513 L.D. 707

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Put a Moratorium on the Closing of Landfills"

H.P. 562 L.D. 805

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Establish Equitable Environmental Relicensing Fees"

H.P. 584 L.D. 835

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Ensure the Safe Operation of Motorized Boats"

H.P. 460 L.D. 651

From the Committee on **JUDICIARY** Bill "An Act to Amend the Law Dealing with Foot Pursuit"

H.P. 578 L.D. 829

From the Committee on **MARINE RESOURCES** Resolve, to Establish the Commission to Study Lobster Trap Limits (Emergency)

H.P. 93 L.D. 134

From the Committee on **MARINE RESOURCES** Bill "An Act to Prohibit Dumping of Menhaden"

H.P. 526 L.D. 754

From the Committee on **MARINE RESOURCES** Bill "An Act Regarding Siting, Monitoring and Husbandry Practices in Aquaculture"

H.P. 567 L.D. 810

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 **BANKING AND INSURANCE** Bill "An Act to Regulate Fees Imposed for the Use of Automated Teller Machines"

H.P. 121 L.D. 166

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Provide a Safe Driver's Discount for Motor Vehicle Insurance"

H.P. 500 L.D. 694

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Promote Choice for Bank Customers" (Emergency)

H.P. 580 L.D. 831

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Require Insurance Companies to Inform Insureds of the Extent of Insured Value"

H.P. 657 L.D. 936

From the Committee on **BANKING AND INSURANCE** Bill "An Act Concerning Collision Damage Waiver on Automobile Rental Agreements"

H.P. 717 L.D. 1022

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Allow Reconstruction of Structures Destroyed by Acts of God"
H.P. 587 L.D. 838

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Extend the Bow Hunting Season"
H.P. 569 L.D. 820

From the Committee on **HUMAN RESOURCES** Bill "An Act to Expand the Elderly Low Cost Drug Program"
H.P. 26 L.D. 29

From the Committee on **HUMAN RESOURCES** Bill "An Act to Provide Mental Health Services to the Elderly"
H.P. 261 L.D. 381

From the Committee on **HUMAN RESOURCES** Bill "An Act to Ensure Patient Access to Medical Records"
H.P. 300 L.D. 421

From the Committee on **HUMAN RESOURCES** Bill "An Act to Provide More Adequate Funding for Contracted Human Service Programs" (Emergency)
H.P. 400 L.D. 574

From the Committee on **HUMAN RESOURCES** Bill "An Act to Appropriate Funds to the Aroostook Alcohol and Drug Abuse Council"
H.P. 409 L.D. 592

From the Committee on **HUMAN RESOURCES** Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program"
H.P. 425 L.D. 608

From the Committee on **HUMAN RESOURCES** Bill "An Act Concerning Deafness" (Emergency)
H.P. 426 L.D. 609

From the Committee on **HUMAN RESOURCES** Bill "An Act Regarding Continuing Education for Administrators of Boarding Homes"
H.P. 515 L.D. 743

From the Committee on **HUMAN RESOURCES** Bill "An Act to Appropriate State Funds to Enable the Bureau of Medical Services to Implement Consumer-directed Attendant Services in its State Plan" (Emergency)
H.P. 535 L.D. 763

From the Committee on **HUMAN RESOURCES** Bill "An Act to Increase Availability of Family Preservation Services to Vulnerable Families" (Emergency)
H.P. 610 L.D. 870

From the Committee on **HUMAN RESOURCES** Bill "An Act to Provide Funds for the Mid-State United Cerebral Palsy Center"
H.P. 622 L.D. 892

From the Committee on **HUMAN RESOURCES** Bill "An Act Concerning Availability of Income Between Spouses in the Determination of Medicaid Eligibility for Care at the Nursing Home Level"
H.P. 625 L.D. 895

From the Committee on **HUMAN RESOURCES** Bill "An Act to Establish a Prospective Reimbursement System for Residential Care Facilities"
H.P. 630 L.D. 900

From the Committee on **JUDICIARY** Bill "An Act to Change the Age for Gross Sexual Assault"
H.P. 47 L.D. 67

From the Committee on **JUDICIARY** Bill "An Act to Establish a Victims' Bill of Rights"
H.P. 276 L.D. 396

From the Committee on **JUDICIARY** Bill "An Act to Enhance Protection of Children in Court Proceedings"
H.P. 303 L.D. 424

From the Committee on **JUDICIARY** Bill "An Act to Increase the Penalties for Career Criminals"
H.P. 317 L.D. 447

From the Committee on **JUDICIARY** Bill "An Act to Better Protect Adults and Children Giving Testimony of Alleged Abuse or Neglect Who Reside in Care Facilities"
H.P. 522 L.D. 750

From the Committee on **JUDICIARY** Bill "An Act to Assist Victims of Crime"
H.P. 592 L.D. 843

From the Committee on **LABOR** Bill "An Act Concerning Teacher Collective Bargaining Agreements"
H.P. 259 L.D. 350

From the Committee on **LABOR** Bill "An Act to Amend Child Labor Laws"
H.P. 277 L.D. 397

From the Committee on **LABOR** Bill "An Act to Amend the Laws Pertaining to Leaves of Absence for a Legislator"
H.P. 294 L.D. 415

From the Committee on **LABOR** Bill "An Act to Regulate the Working Hours of Minors"
H.P. 326 L.D. 456

From the Committee on **LABOR** Bill "An Act Regulating the Working Hours of Minors During School Vacations"

H.P. 381 L.D. 555

From the Committee on **LABOR** Bill "An Act to Repeal the Student Minimum Wage"

H.P. 413 L.D. 596

From the Committee on **LABOR** Bill "An Act to Prohibit Employers from Harassing Employees Who Are Absent from Work Due to Illness"

H.P. 581 L.D. 832

From the Committee on **LABOR** Bill "An Act to Amend the Definition of Employment in the Unemployment Compensation Laws"

H.P. 736 L.D. 1040

From the Committee on **LEGAL AFFAIRS** Bill "An Act Relating to Certain Types of Indemnity Provisions in Construction Contracts"

H.P. 721 L.D. 1025

From the Committee on **MARINE RESOURCES** Bill "An Act to Require Labeling of Maine Finfish Produced by Aquaculture"

H.P. 334 L.D. 464

Change of Reference

The Committee on **LABOR** on Bill "An Act to Clarify the Definition of State Employee in the State Employee Labor Relations Laws"

H.P. 574 L.D. 825

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

The Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Eliminate the Requirement of Mediation in Certain Domestic Cases"

H.P. 72 L.D. 100

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 Concerning the Town of Rumford Water District"
H.P. 680 L.D. 979

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 **BUSINESS LEGISLATION** on Bill "An Act to Amend the Charitable Solicitations Act"
H.P. 274 L.D. 394

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-66)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-66)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-66) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Assist in the Cleanup of Contaminated Property"

H.P. 113 L.D. 156

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-62)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-62)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-62) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning Waste Management" (Emergency)
H.P. 318 L.D. 448

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-68)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-68) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Protect Stone Walls, Stone Impoundments and Timber Bridges of Historical Significance"
H.P. 379 L.D. 553

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-69)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-69) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Plan to Provide Appropriate Services for Severely Mentally Ill Persons Who Are Living in Homeless Shelters (Emergency)
H.P. 474 L.D. 668

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-71)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-71) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Commission on Governmental Ethics and Election Practices"
H.P. 383 L.D. 557

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-67)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-67) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Election Laws Relating to Ballot Counting"
H.P. 450 L.D. 640

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-65)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-65)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-65) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Increase Support for Affordable Housing"
H.P. 404 L.D. 587

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-70)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-70) **READ** and **ADOPTED**, in concurrence.

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

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 **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Prevent Ongoing Erosion Damage to the Environment by Allowing Preventative Repair"
S.P. 161 L.D. 373

Reported by Senator **COLLINS** for the Committee on **TAXATION** Bill "An Act Concerning Health Care Insurance"
S.P. 372 L.D. 997

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Establish Tax Credits for Capital Investment in Aircraft"
S.P. 379 L.D. 1056

Leave to Withdraw

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

Reported by Senator **BALDACCI** for the Committee on **ENERGY AND NATURAL RESOURCES** Resolve, to Extend the Reporting Date of the Commission to Study the Feasibility of Establishing a Piscataqua River Basin Compact Between Maine and New Hampshire (Emergency)
S.P. 320 L.D. 858

Change of Reference

Senator **THERIAULT** for the Committee on **TRANSPORTATION** on Bill "An Act to Amend the Maine Traveler Information Services Laws"
S.P. 369 L.D. 994

Reported that the same be **REFERRED** to the Committee on **BUSINESS LEGISLATION**.

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

The Bill **REFERRED** to the Committee on **BUSINESS LEGISLATION**.

Sent down for concurrence.

Ought to Pass As Amended

Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Ensure Safe Removal of Underground Oil Storage Tanks"
S.P. 146 L.D. 358

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-48)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-48) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on FISHERIES AND WILDLIFE on Bill "An Act to Correct the Registration of the Thorncrag-Stanton and Woodbury Sanctuary with the Department of Inland Fisheries and Wildlife"

S.P. 160 L.D. 372

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-50).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-50) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator TWITCHELL for the Committee on FISHERIES AND WILDLIFE on Bill "An Act Regarding Moose and Antlerless Deer Permits for People Who Have Been Called to Active Duty"

S.P. 280 L.D. 739

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-49).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-49) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CLEVELAND for the Committee on UTILITIES on Bill "An Act to Amend the Augusta Sanitary District Charter to Comply with Federal Sewerage Pretreatment Requirements" (Emergency)

S.P. 321 L.D. 877

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

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

SECOND READERS

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

House As Amended

Bill "An Act Dealing with the Public Utilities Commission's Involvement in Contract Settlements" (Emergency)

H.P. 132 L.D. 192
(C "A" H-57)

Bill "An Act to Amend the Laws Pertaining to Car Dealerships"

H.P. 247 L.D. 338
(C "A" H-52)

Resolve, to Name the Bridge Crossing the Sebasticook River in Benton the Benton Veterans' Memorial Bridge

H.P. 385 L.D. 559
(C "A" H-58)

Bill "An Act to Provide Administrative Oversight of Organic Food Certification in Maine"

H.P. 422 L.D. 605
(C "A" H-63)

Bill "An Act Regarding Amber Lights on Snowplows and Sanding Equipment"

H.P. 424 L.D. 607
(C "A" H-59)

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

Senate

Bill "An Act to Amend the Appointment Process for the Panel of Mediators"

S.P. 168 L.D. 380

Bill "An Act to Extend the Reporting Deadline of the Commission to Study the Certificate of Need Law and the Impact of Competitive Market Forces on Ambulatory Health Services" (Emergency)

S.P. 435 L.D. 1156

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

Sent down for concurrence.

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

Senate As Amended

Bill "An Act to Provide for Fiscal Year Accounting and Pretreatment Provisions for the Kennebec Sanitary Treatment District"

S.P. 251 L.D. 709
(C "A" S-46)

Which was **READ A SECOND TIME**.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED, AS AMENDED**.

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

S.P. 463 L.D. 1239
(C "A" S-47)

Which was **READ A SECOND TIME**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "A" (S-59) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, AS AMENDED**.

Sent down for concurrence.

ENACTORS

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

An Act to Clarify the Waste Transfer Station Setback Requirements

H.P. 12 L.D. 15
(C "A" H-42)

An Act to Revise the Law Respecting Insurers' Dividend Distributions

S.P. 71 L.D. 127
(C "A" S-28)

An Act to Amend Qualifying Standards Applicable to Reinsurance Transactions

H.P. 255 L.D. 346
(C "A" H-39)

An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases

H.P. 264 L.D. 384
(C "A" H-40)

An Act to Expand the Availability of Automatic Liens to Certain Businesses

H.P. 399 L.D. 573

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

Resolve

Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Rumford, Maine

H.P. 68 L.D. 96
(C "A" H-44)

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Open Burning

H.P. 2 L.D. 2
(C "A" H-41)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Laws Concerning Registration of Camp Trailers and to Permit Reregistration for People who Served in the Persian Gulf

H.P. 36 L.D. 50
(C "A" H-37)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Require Telephone Companies to Include Emergency Numbers for Sheriffs' Departments in Directories

H.P. 305 L.D. 435
(C "A" H-45)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Law Regarding the Display of Legislative Plates

H.P. 322 L.D. 452

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Regarding the Authority of Cumberland County to Take Land by Eminent Domain

H.P. 860 L.D. 1240

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Enhance the Supervisory Powers in the Maine Banking Code

S.P. 188 L.D. 497
(C "A" S-55)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with no Senators having voted in negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

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

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

Tabled - April 8, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 21, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-27).**)

(In House, April 4, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-27) AND HOUSE AMENDMENT "A" (H-64) in NON-CONCURRENCE.**)

The Senate **RECEDED** and **CONCURRED**.

Senator **MILLS** of Oxford was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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 want to stand on Record this evening to apologize to the Body, and to you, Mr. President, for the item which appeared on Page 3 of our Calendar, and directly to Mr. Smith, because I in no way meant to oppose his confirmation, and if I have an opportunity some day to see him, I will apologize to him in person.

I also want to mention that I do appreciate the opportunity of the President to have a chance to reconsider an issue which I discussed earlier. I appreciate that opportunity.

I guess I'm really concerned, however, with the direction, as I think many of us in this state and country are, the direction we are headed. Because there are times, ladies and gentlemen of the Senate, that I wonder if we sail rudderlessly on the ocean, have lost our bearings, have lost a sense of direction. I'm reminded of an older gentleman from Pittsfield back during the fall, who when we were discussing at a candidates forum the issue of gay rights. When I stated my opposition, afterwards, came up to me and said, "Son, I want to tell you something, that I appreciate your stand, because those that stand for everything, really don't stand for anything. They've lost their bearing, they've lost their moral direction". And I think as an American, if anything stands out in my reading, and understanding, and experience of American history, it is that America has always had a moral sense of purpose.

What I have found in my ten years, or nine years of service in Augusta, is that one of the hardest things for this Body to do, the Legislature, is to vote no. It is always easy to vote yes. On issues of moral values, ethics and direction, its unfortunate that we are floating out of control on a sea that may lead us to serious trouble in years ahead. But I have a great deal of faith in the people of Maine, those that are back home, that are not down here lobbying because they work for a living, they're raising their families, they're concerned about the direction we're headed. I have a great deal of faith in those people to steer the ship, to right the ship back on course, and I am sure that that will happen, ladies and gentlemen. And the public will discuss the issues at the ballot box, in the grange halls, on the church steps, all over the state. And most assuredly, the public will discuss family issues. The greatest, most important issue among a hundred million Christian's in this country. Thank you, Mr. President.

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

Senator **GILL**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate your indulgence this evening, but there was something that I read at the Hearing that we had on the human rights issue, and I would like to read it for the Senators, because a number of you were not there at the Hearings, so this is my opportunity, so please indulge me for just a little bit. The title of this poem is "Saints and Sinners".

"When some fellow yields to temptation and breaks a conventional law, we look for no good in his make-up. But God, how we look for the flaw. No one will ask how tempted, nor allow for the battles he's fought. His name becomes food for the jackal's, for us who have never been caught. He has sinned, we shout from the house tops! We forget the good he has done. We center on one lost battle, and forget the times he has won. Come gaze on this sinner, we thunder, and by his example be taught. That his footstep leads to destruction, cry we who have never been caught. I am a sinner, O Lord, and I know it. I am weak, I blunder, I fall. I am tossed on life's stormy ocean like ships embroiled in a gale. I am willing to trust in my mercy to keep the commandments Thou taught. But deliver me, Lord, from the judgment of saints who have never been caught."

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

Senator **MCCORMICK**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to assure Senator Matthews that you don't have to worry about apologizing to Clem Smith, because he lives just down the road from me, and I know he will make an excellent member on the Animal Welfare Board, and I will tell him for you.

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

Senator **TITCOMB**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I just wanted to bring a good message to this Body. I have received a number of telephone calls, one just before we went into session today concerning the exemplary job that our Appropriations Committee has been doing, that it's now been the opportunity of the people of Maine to see on television the quality and the standard of performance that our Appropriations's Committee has demonstrated. I wanted to commend them, and tell them that the message has been that it is high time that the people of Maine got to know how fine the people are that represent them in Augusta. I want to thank the Committee for a good job.

Off Record Remarks

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

Off Record Remarks

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1016

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED AS VICTIMS OF NAZISM

WHEREAS, 46 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 11, 1991, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 7th to April 14th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the Nazi Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

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

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

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

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I know the hour is late and I will try to be brief, but I do feel it is important that I do make these brief remarks to you at our close of session this evening.

I came to the Senate Chamber about ten past five today. The Committee on Judiciary heard many Bills, including the very controversial Bill on Hunting Manslaughter. When I arrived in the Chamber, I was late, the Senate had already begun its deliberations for the day, and I was surprised, perhaps, as others were, that one of the Bills, L.D. 430 had been discussed. But I understand the process, and I understand that it was on the Calendar, and I read the Calendar before I came down this afternoon.

I rise this evening because I am concerned with some of the comments that have been made, and perhaps some of the questions which were voiced regarding the intent or the good will of other Legislators. We all operate under a system of rules and procedures, and we all understand those rules. It is very important to state, and state often, and to remind us that we are dealing with issues which are very difficult, very controversial, in fact, highly emotional. But it is also very important that we maintain our strong tradition of discussing these issues in an atmosphere of mutual respect and appreciation for the contributions which all of us have made in our careers in public service.

Likewise, we are in indebted to all of those who take the time to contact us, either in person at our residences, or businesses, or here in Augusta, or who take the time to write to us or to telephone us. I have had dozens, I would say hundreds of contacts over the past few years dealing with the Civil Rights Bill, and as I said in my speech a few weeks ago, I am indebted to all of those who took the time to

share with me their concerns. I think I have grown in that process, and I have learned a great deal. Unfortunately, some people have voiced a concern that I took an action without considering all those who came before our Committee. That simply is not the case.

But I rise tonight because I want to underscore how important it is that when we discuss issues on this floor, we do so at all times with the utmost respect for each other. Because if we allow ourselves to succumb to emotionalism, or to question the good faith of our colleagues, then I think we send a message out to the public that we really encourage, inadvertently no doubt, but we encourage a discussion in the public which gets very emotional and very charged, and really is inimical to a rational explanation and discussion of sensitive issues of public policy.

It is very appropriate, Mr. President, that this evening we rise to honor our colleague from the county of Cumberland, Senator Barbara Gill, who I think really epitomizes what public service is all about in our state. A person who has unselfishly given of herself for many, many years. She has brought her integrity, her intellect, and her compassion to this Chamber, and to the other Chamber. We all benefit from her years of service. I think that Senator Gill should be commended. I think she represents a standard of public service which we should all aspire. As we now wind down the tempestuous days of this first year of our session, let us keep Senator Gill's service in mind, and her standard of public service to which she has aspired.

We know that we will have different issues that will divide us philosophically. There are tensions between the Executive Branch of Government and the Legislative Branch of Government, and there are, in fact, issues which divide us as individual Legislators. But let us go forward in an atmosphere of mutual respect for each other, because if we fail in this charge, I have grave concerns regarding the forces which might be unleashed in the public at large. We have obligations as public servants, we have responsibilities to engage in a civilized discourse on difficult issues of public policy. If we fail in that charge, I am afraid that we will inadvertently promote a discussion in the public which I think none of us want to see.

With that, again, I would like to commend my colleague from Cumberland, Senator Gill, for her years of service, and again, I certainly hope that all of us can bear her standard in mind as we conclude our legislative session. Thank you Mr. President.

The **ADJOURNMENT ORDER** having been returned from the House and **READ** and **PASSED**, in concurrence, on motion by Senator **GILL** of Cumberland, **ADJOURNED** until Tuesday, April 16, 1991, at 5:00 in the afternoon.