

# MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE RECORD**

OF THE

**One Hundred And Fifteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

Senate

December 5, 1990 to May 20, 1991

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

In Senate Chamber  
Tuesday  
April 16, 1991

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Amend the Workers' Compensation Insurance Laws to Encourage Safety in the Workplace" S.P. 539 L.D. 1437

In Senate, April 8, 1991, referred to the Committee on LABOR and ORDERED PRINTED.

Comes from the House referred to the Committee on BANKING AND INSURANCE and ORDERED PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Prohibit Financial Institutions from Selling Certain Accounts without Sufficient Notice" H.P. 1017 L.D. 1490

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

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

Bill "An Act to Assist Maine Citizens with Health Insurance Costs" H.P. 1021 L.D. 1494

Committee on HUMAN RESOURCES suggested and ORDERED PRINTED.

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

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

Bill "An Act to Provide for Clean-burning Diesel Fuel" H.P. 1003 L.D. 1471

Bill "An Act to Amend the Mechanic Lien Laws" H.P. 1007 L.D. 1475

Senate called to Order by the President.

Prayer by Reverend Joseph Brown of the Assembly of God Church in Thomaston.

REVEREND JOSEPH BROWN: Thank you Lord. As one of the residing Pastors of this great state, I have been afforded the opportunity to come to this room of our elected Senators for the sole purpose of inviting You to be a part of this business session. We cannot help but thank You for the insight and the natural abilities that these ladies and gentlemen have endeavoring to solve the complex and the difficult problems that they face on their agenda every day, and that is why, Lord, we ask for Your help. So, Lord, endow them with the mantle of Your wisdom, as they consider the right answers to the unemployment questions and the closing of places where income has previously been good. Cloth them with the robe of Your understanding as they deliberate moral issues that divide a people. For we all know in a free society, there is no escape from social responsibilities. Cover them with the cloak of Your knowledge, as they debate on the subjects of finance, and elderly, and the institutions, and the maze of endless resolutions. And please, Lord of heaven, place on each one the plum line of what is right, not what is convenient. Let each one judge a given issue, not on the pressures or convictions of a lobbyist group, but on their own research, and prayer for Your guidance that will persuade them according to the dictates of their own conscience. And it is not beyond You, Lord, to help one see beyond their own Parties platform, and philosophies, or personal gain, but to work together in a bipartisan effort for the good of the people. So give them strength for their physical body. And by all means, Lord, give them alertness to their minds, even in such a late hour at the end of a day when mind and body becomes weary, that they might be alert, and quickened by Your holy spirit, to answer and debate with clarity the needs of this agenda. We ask it in the name of our Lord and Savior, Jesus Christ. Amen.

Reading of the Journal of Thursday, April 11, 1991.

Off Record Remarks

Bill "An Act to Increase Distributor Acceptance of Beverage Containers and to Clarify the Sorting Obligations of Contracted Agents"

H.P. 1024 L.D. 1497

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

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

---

Bill "An Act to Allow the Part-time Chaplain's Position at the Maine State Prison to Be a Job-sharing Position"

H.P. 979 L.D. 1422

Joint Select Committee on **CORRECTIONS** suggested and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-116)**, without reference to a Committee.

Under suspension of the Rules, **READ ONCE**.

House Amendment "A" (H-116) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, without reference to a Committee and **ORDERED PRINTED**, in concurrence.

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

---

Bill "An Act to Permit Orderly Consideration of Department of Environmental Protection Applications"

H.P. 1019 L.D. 1492

Bill "An Act to Amend Certain Laws Governing Hazardous Waste, Septage and Solid Waste Management to Include a Land Acquisition and Eminent Domain Provision for the Remediation of Hazardous Substances and to Provide for the Reimbursement of Expenditures Made for the Acquisition of Property"

H.P. 1027 L.D. 1500

Bill "An Act to Provide for the Acquisition of Property for the Establishment, Preservation or Enhancement of Open Space and Recreation Corridors in the State"

H.P. 1029 L.D. 1502

Bill "An Act to Provide for Citizen Input to the Bureau of Public Lands"

H.P. 1031 L.D. 1504

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 Amend the Hunting Laws on Westport Island"

H.P. 1001 L.D. 1469

Bill "An Act Concerning the Use of Deer Killed by Farmers"

H.P. 1010 L.D. 1478

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 Require Eating Establishments That Have Outdoor Seating to Have Restrooms"

H.P. 1002 L.D. 1470

Bill "An Act to Facilitate the Delivery of Family Support Services"

H.P. 1013 L.D. 1481

Bill "An Act to Regulate Fines for Prohibited Acts Concerning the Use of Public Ways and Parking Areas Maintained by the State"

H.P. 1020 L.D. 1493

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 to Protect Consumers and Provide Access to Information"

H.P. 1006 L.D. 1474

Bill "An Act Concerning the Liability of Sport Shooting Range Operators"

H.P. 1009 L.D. 1477

Bill "An Act to Remove the Statute of Limitations for Incest and Gross Sexual Assault"  
H.P. 1015 L.D. 1483

Bill "An Act to Promote Gun Safety"  
H.P. 1025 L.D. 1498

Bill "An Act to Adopt the English Rule, With Exceptions, for Attorney's Fees in Litigation"  
H.P. 1030 L.D. 1503

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 Clarify Job Titles in the Workers' Compensation Act"  
H.P. 999 L.D. 1467

Bill "An Act to Prevent Unfair Employment Hiring Practices"  
H.P. 1000 L.D. 1468

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 Prohibit the Use of Stickers on Trespassing Motor Vehicles"  
H.P. 1004 L.D. 1472

Bill "An Act to Protect the Copyright and Ownership Rights of Maine Artists"  
H.P. 1011 L.D. 1479

Bill "An Act to Amend the State Ballot Laws"  
H.P. 1014 L.D. 1482

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

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

---

Bill "An Act to Amend the Budget Procedure for Cumberland County"  
H.P. 1012 L.D. 1480

Bill "An Act to Require the Popular Election of the State Auditor"  
H.P. 1023 L.D. 1496

Bill "An Act to Update Certain Laws Regarding Corporations, Lobbyists and Notaries"  
H.P. 1032 L.D. 1505

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

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

---

Bill "An Act to Require that a New Tax Assessment Manual Be Developed"  
H.P. 1005 L.D. 1473

Bill "An Act to Improve the Property Tax Circuit Breaker Program"  
H.P. 1008 L.D. 1476

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 Dealing with Abandoned Automobiles in the State"  
H.P. 1022 L.D. 1495

Bill "An Act to Improve Motorcycle Driver Education"  
H.P. 1026 L.D. 1499

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

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

---

Bill "An Act to Authorize the Public Utilities Commission to Regulate Rates for Cable Television"  
H.P. 1018 L.D. 1491

Bill "An Act to Amend the Charter of the Presque Isle Sewer District"  
H.P. 1028 L.D. 1501

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

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

COMMUNICATIONS

The Following Communication: S.P. 579

115TH MAINE LEGISLATURE

April 11, 1991

Senator Zachary E. Matthews  
Rep. Dorothy A. Rotondi  
Chairpersons  
Joint Standing Committee on Fisheries and Wildlife  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gary Cobb of North New Portland for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife 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 FISHERIES AND WILDLIFE.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"

S.P. 571 L.D. 1525

Presented by Senator PEARSON of Penobscot  
Cosponsored by Representative O'DEA of Orono

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

Sent down for concurrence.

Resolve, Concerning Reauthorization of the \$12,000,000 Bond Issue for Sewer Treatment Facilities (Emergency)

S.P. 586 L.D. 1539

Presented by Senator CAHILL of Sagadahoc  
Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Require Health Insurance to Honor Patient Assignment Requests"

S.P. 573 L.D. 1527

Presented by Senator BALDACCI of Penobscot  
Cosponsored by Representative PINES of Limestone and Senator BRAUN of Knox

Bill "An Act to Enhance the Availability of Group and Individual Self-insurance Information and to Prevent Conflicts of Interest under the Workers' Compensation Act"

S.P. 574 L.D. 1528

Presented by Senator MILLS of Oxford  
Cosponsored by Representative MITCHELL of Vassalboro

(See Action Later Today)

Bill "An Act to Provide for Open and Responsible Access to Workers' Compensation, Workplace Injury, Workers' Compensation Insurance and Self-insurance Records and to Prohibit the Use of These Records for Unlawful Discriminatory Purposes"

S.P. 576 L.D. 1530

Presented by Senator KANY of Kennebec  
Cosponsored by Representative TRACY of Rome, Representative JOSEPH of Waterville and Senator ESTY of Cumberland

(See Action Later Today)

Bill "An Act to Regulate Uninsured and Underinsured Motor Vehicle Liability Insurance"

S.P. 580 L.D. 1533

Presented by Senator VOSE of Washington

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

Sent down for concurrence.

---

Bill "An Act to Establish Ombudsman Positions with the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration"  
S.P. 578 L.D. 1532

Presented by Senator **MCCORMICK** of Kennebec  
Cosponsored by Representative **RAND** of Portland and Representative **GWADOSKY** of Fairfield

Bill "An Act to Amend the Laws Regarding the Labeling of Seafood"  
S.P. 583 L.D. 1536

Presented by Senator **HOLLOWAY** of Lincoln  
Cosponsored by Representative **HEINO** of Boothbay and Representative **RYDELL** of Brunswick

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

Sent down for concurrence.

---

Bill "An Act to Amend the Reduction in Toxics in Packaging Laws"  
S.P. 572 L.D. 1526

Presented by Senator **CLARK** of Cumberland  
Cosponsored by Representative **CONSTANTINE** of Bar Harbor and Representative **LIBBY** of Kennebunk

Bill "An Act to Improve Coordination of Municipal and State Review of Environmental Permits"  
S.P. 587 L.D. 1540

Presented by Senator **LUDWIG** of Aroostook  
Cosponsored by Representative **GOULD** of Greenville  
Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

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

Sent down for concurrence.

---

Bill "An Act to Provide Support for Community-based Residential Hospice Services"  
S.P. 581 L.D. 1534

Presented by Senator **GILL** of Cumberland  
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 Clarify the Maine Juvenile Code"  
S.P. 588 L.D. 1541

Presented by Senator **HOLLOWAY** of Lincoln  
Cosponsored by Representative **OTT** of York and Senator **COLLINS** of Aroostook  
Submitted by the Department of Corrections pursuant to Joint Rule 24.

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

Sent down for concurrence.

---

Bill "An Act Concerning Radar Devices"  
S.P. 582 L.D. 1535

Presented by Senator **CONLEY** of Cumberland

Bill "An Act Relating to Sheriff's Fees for Civil Orders of Arrest"  
S.P. 584 L.D. 1537

Presented by Senator **GAUVREAU** of Androscoggin  
Cosponsored by Representative **JALBERT** of Lisbon, Representative **STEVENS** of Sabattus and Senator **MILLS** of Oxford

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

Sent down for concurrence.

---

Bill "An Act to Provide Interest on Community Agency Accounts"  
S.P. 575 L.D. 1529

Presented by Senator **GAUVREAU** of Androscoggin  
Cosponsored by Representative **MANNING** of Portland and Senator **CONLEY** of Cumberland

Bill "An Act to Allow the Creation of County Budget Committees by Referendum Vote"  
S.P. 577 L.D. 1531

Presented by Senator **BERUBE** of Androscoggin  
Cosponsored by Senator **EMERSON** of Penobscot and Representative **LARRIVEE** of Gorham

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

Sent down for concurrence.

Bill "An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans"  
S.P. 585 L.D. 1538

Presented by Senator **MCCORMICK** of Kennebec  
Cosponsored by Representative **JALBERT** of Lisbon

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 **BANKING AND INSURANCE**:

Bill "An Act to Enhance the Availability of Group and Individual Self-insurance Information and to Prevent Conflicts of Interest under the Workers' Compensation Act"  
S.P. 574 L.D. 1528

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

Sent down for concurrence.

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

Bill "An Act to Provide for Open and Responsible Access to Workers' Compensation, Workplace Injury, Workers' Compensation Insurance and Self-insurance Records and to Prohibit the Use of These Records for Unlawful Discriminatory Purposes"  
S.P. 576 L.D. 1530

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

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 Require Payment of Rent for the Residences of University of Maine System Presidents"  
H.P. 865 L.D. 1245

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Amend the Agricultural Activities Exemption under the Natural Resources Protection Act"  
H.P. 519 L.D. 747

From the Committee on **TAXATION** Bill "An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities" (Emergency)  
H.P. 34 L.D. 44

From the Committee on **TAXATION** Bill "An Act to Require that Insurance Companies Pay Corporate Income Tax"  
H.P. 496 L.D. 690

From the Committee on **TAXATION** Bill "An Act to Assess Taxes on Motel and Hotel Occupancy and Restaurants and Bars"  
H.P. 719 L.D. 1023

**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 Enhance the Laws Governing Financial Responsibility"  
H.P. 686 L.D. 985

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Strengthen the Mandatory Motor Vehicle Insurance Laws"  
H.P. 826 L.D. 1180

From the Joint Select Committee on **CORRECTIONS** Bill "An Act to Require a State Police Station to Be Located within Five Miles of a State Maximum Security Prison"  
H.P. 102 L.D. 145

From the Joint Select Committee on **CORRECTIONS** Bill "An Act to Ensure Proper Funding for County Jails"  
H.P. 227 L.D. 318



From the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** Bill "An Act to Clarify the Duties of the Legal Staff of the Maine State Housing Authority"  
H.P. 848 L.D. 1214

From the Committee on **JUDICIARY** Bill "An Act to Amend the Laws Concerning Paper Streets"  
H.P. 533 L.D. 761

From the Committee on **LABOR** Bill "An Act Requiring Overtime Pay on Sunday for Retail Sales Employees"  
H.P. 397 L.D. 571

From the Committee on **LABOR** Bill "An Act to Amend the Premium Pay for Sunday Workers"  
H.P. 477 L.D. 671

From the Committee on **TAXATION** Bill "An Act to Change the Maine Tree Growth Tax Law"  
H.P. 393 L.D. 567

From the Committee on **UTILITIES** Bill "An Act to Amend the Proceedings for Approval of Interim Rates by the Public Utilities Commission"  
H.P. 742 L.D. 1046

---

**Ought to Pass**

The Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify Certain Provisions of the Hospital Care Financing System and Provide for Systematic Consideration of Consumer Viewpoints by the Maine Health Care Finance Commission"  
H.P. 550 L.D. 787

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 Wrongful Death Laws"  
H.P. 572 L.D. 823

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 Clarify the Obligation of District Attorneys to Pay for Physical Examinations of Certain Crime Victims"  
H.P. 621 L.D. 891

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 **LABOR** on Bill "An Act to Change the Title of the Commission on Safety in the Maine Workplace"  
H.P. 100 L.D. 141

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 **LABOR** on Bill "An Act to Amend Employment Practices Regarding Employee Personnel Files"  
H.P. 267 L.D. 387

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

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

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

The Bill **READ ONCE**.

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

---

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Berwick Sewer District" (Emergency)

H.P. 645 L.D. 919

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-97).**

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

The Bill **READ ONCE.**

House Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

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

---

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. Before we go too much further into the Calendar today, I want to take a minute just to clarify and formerly apologize to members of this Body for some remarks that I made on Record on Thursday.

Obviously, everyone in this Chamber knows that I feel very strongly as those other members of this Senate also about this issue on both sides of L.D. 430. But, I meant no criticism, or no harm, or statements to the contrary about character against any member of this Body. This issue that we have debated at length is one which many of us feel has a great deal to do with our family and traditions here in this country, and I feel that way. But, it is also a tradition of this great state and country that we recognize differences. I, as a Democrat, recognize differences. I belong to a Party that very seldom seems to be organized because we allow debate, we allow differences of opinions. On L.D. 430 there are some substantial differences.

I want to formerly apologize to any member of this Body that took my remarks to be very negative against the character of any member of this Body. I still feel very strongly about this issue. I will do all in my power to continue to debate this issue, but I will do so recognizing that we have differences, differences between Democrats, differences between Republicans in this Body. And in the spirit of what the Senate is all about, I will try to realize that those differences are important, and dialogue is extremely essential. Please accept my apologies. Thank you Mr. President, men and women of the Senate.

**Ought to Pass As Amended**

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies"

H.P. 230 L.D. 321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Prohibit Discrimination against Insureds over 65 Years of Age in Automobile Insurance Rates"

H.P. 497 L.D. 691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-85).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-85) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Repeal the Restriction on Investments in Loans Secured by First Mortgages on Real Estate by State-chartered Credit Unions"

H.P. 601 L.D. 861

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **EDUCATION** on Bill "An Act to Expand the Blaine House Scholars Program to Assist in Teacher Certification"

H.P. 136 L.D. 196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-75)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-75) **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 Establish Standards of Financial Need for Grants under the Small Community Grants Program" (Emergency)

H.P. 99 L.D. 140

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-61)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-61) AND HOUSE AMENDMENT "A" (H-87)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-61) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-87) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify the Licensing Status of Acute Care Units at State Mental Health Institutes"

H.P. 391 L.D. 565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-82)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-82) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano"

H.P. 67 L.D. 95

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-77) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **TRANSPORTATION** on Bill "An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs"

H.P. 86 L.D. 121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-72)**.

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AS AMENDED BY HOUSE AMENDMENT "C" (H-102)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-72) **READ**.

House Amendment "C" (H-102) to Committee Amendment "A" (H-72) **READ**.

Senator **BOST** of Penobscot moved to **INDEFINITELY POSTPONE** House Amendment "C" (H-102) to Committee Amendment "A" (H-72) in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes that same Senator.

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask that you go along with my request. I have an amendment which I am hoping to offer in its place, which is on your desk's. House Amendment "C" (H-102) to Committee Amendment "A" (H-72) amends the original Bill. For those of you who are not following along, this is the amendment to the Billboard Law. The amendment changes the actual number of signs from the original designation of six to four, and changes the maximum allowable size of the signs from sixteen square feet to eight. I would hope that we could defeat House Amendment "C" (H-102) to Committee Amendment "A" (H-72), so that I might be given an opportunity to introduce and explain my amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill is really a "Little Guy's Bill". It is not too often that we can do something for the little guy around here. As a matter of fact, it is rare that we do it. But this is such a Bill where we would be able to help some of our smaller farmers in selling their products that they grow. So I would urge you to vote against the motion that is before us and I will tell you what the amendment does.

I guess I have to begin with the Bill itself. The Bill was put together by an advisory committee, and the name of the Committee is, Travel Information Advisory Council. There was a study conducted last year in reference to a request by farmers to be allowed to set up signs, directional signs to their place of business, so that people would know where to go when they want to purchase fresh vegetables or the like. The Commission recommended that we would allow two signs, and each sign would be sixteen square feet, so two signs would be a total of thirty-two square feet of advertisement. These signs had to be placed within five miles of the farm, and they were allowed from June 1st to October 1st. The Committee

reported that Bill out essentially that way. But, what we did was allow four signs instead of two signs, and the reason we did that is because we had a number of people that testified before our Committee that day, and most of them were farmers. We had eleven people that testified in favor of that Bill, no one testified against it. We did have a letter of opposition, though, in our folder from another individual who was opposed to this. When the Bill came out of Committee with four signs, it went to the House, and there was an amendment placed on it, which is Amendment "C" (H-102) on the Bill, and that is the matter before us. What House Amendment "C" (H-102) did, it specified that those signs would not be sixteen square feet apiece, it would be two by four, or they would be four square feet apiece. The same amount of square footage is in the two Bills. The big difference is the number of signs, so we would have four signs rather than two. And the main reason why we decided we wanted four signs is, by nature, our farms are in remote Maine, and we need to get to them, so we need to have directional signs along the way that would guide the purchaser to where the farm stand is. I think that is a good amendment, and I would like you to support a unanimous Committee Report that this Bill should pass. Thank you.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It was a number of years ago when I was serving on the Committee of Business Legislation, when the now famous Billboard Law Bill was presented. It was an issue that was a result of a study introduced, put out to study again, and finally resolved into what is currently the practice today.

We all recognize that times change, particularly economic times, and it was as a result and in response to the petition of a host of small businesses across the state, some of them were ski resorts, some of them were camp grounds, some of them sold seafood and clams, others sold apples and cucumbers, and even those among us who at one time raised strawberries, petitioned the Legislature year after year, session after session, to create a window of opportunity, or in other words, what might be perceived as a hole in Maine's Billboard Law. A point of particular pride, we look at our highways and byways, particularly, in comparison with the majority of states across this nation.

I have been convinced because of the persistence, if nothing else, and the perseverance of those who attempt, or who wish to attempt to erect seasonal signs, that it was appropriate that we should address this issue. And in that vain, this Legislature supported the activity of the Traveler's Information Advisory Committee, between the 114th and the 115th, to review, and study, and recommend action for this session of the Legislature. That report was distributed to us, and suffice it to say, that in the stress and the press of our responsibilities, perhaps, many of us haven't read it. I must admit that I hadn't either until it was brought to my attention by a woman who has served as the leader, or among the leaders of the supporters and initiators of now proud Maine's Billboard Law. She served in the other Body, her name is Marion Fuller Brown, and she

lives in the county of York. She came to me when this Bill was referred to the Joint Standing Committee on Transportation, and expressed her concern that, perhaps, we erred in our reference, but rather than sending it to the Joint Standing Committee on Business Legislation, which has historically addressed this issue, even though there are some other titles of Bills which failed to be detected and went off to various other Committees over these many years, only to be detected after the fact, and dealt with. It was called the fatal blow.

I agreed to essentially abide by the recommendations of that Advisory Commission, and I would share with you my understanding of the recommendation, and that is, that two signs be allowed to be erected on the private way as has been espoused by the good Senator from Aroostook, Senator Theriault. But it was the unanimous and collective wisdom of the Joint Standing Committee on Transportation during this session that, in fact, they would increase that number from two to six, and the square footage would remain the same. And that in addition to being allowed to be erected on the private way, that they would also be allowed to be erected on the public way.

Well, speaking as the individual Senator from my District, that didn't sit too well with me, and so I had prepared an amendment, hoping to strike as we all know the middle ground, and appease all parties. I never had that amendment printed, because the measure was in the other Body, and having talked with a number of the members in the other Body, not the least among them the members of the Committee on Transportation, they initiated the Bill, or the amendment in that Body which was attached.

I need to say this, for those people who have been calling me continually about this violation, so to speak, of Maine's Billboard Law, and I have received more calls on this, if you can believe it, than on any other issue that is currently before us over this past three day weekend, sometimes at the earliest of hours in the morning, even on a day off. However, be that as it may, I never had to tender or have printed my amendment, for it is reflected in the item before us, Item 529. But, I would stick with a strict interpretation of what was recommended in the Advisory Committee Report, and that would be to limit the number of seasonal signs to two, with the square footage that would insure that they would be seen. I acknowledge that in some parts of the state, people who have produce to sell in the seasonal nature, while allowed in other parts of the state to erect their signs as long as they don't invade visibility at intersections, in my area of the state, we don't seem to have much of a problem with this, but in other areas of the state, farmers are constantly plagued with the tearing down of their signs and the removal of them from people who are enforcing Maine's Billboard Law, not the least among them worker's from the Department of Transportation.

While I wish we didn't have to do anything to Maine's proud Billboard Law, perhaps it is important that we review the amendment, or the condition of the Bill before us, which is still a far cry from the unanimous recommendation of those people on the Advisory Committee, and look to see that perhaps

maybe we can improve this unanimous Committee Report without jeopardizing the entire Bill, for there is more to this Bill than this facet of it. It does represent a lot of attention, work, cooperation, not only among the members of the Advisory Committee, but those members of our very own Committee on Transportation. But, I would hope that in this Chamber, particularly, we would be responsive to a unanimous ought to pass Report, and allow those members among us who haven't had an opportunity to infuse their position to the Committee and its deliberations, an opportunity to be heard. Thank you Mr. President.

Senator **THERIAULT** of Aroostook requested a Division.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Bill in its current form, and I would hasten to add, is with House Amendment "C" (H-102) to Committee Amendment "A" (H-72), in my estimation places into effect a significant alteration to Maine's current Billboard Law. I think it is noteworthy, too, and I think it is one of the reasons that the Bill has made it so far through the process, it has been included under what I would term a rather innocuous title, "An Act to Implement the Travel Information Council". That would seem harmless enough, perhaps, on the surface, but one only needs to look a little bit more deeply and see what the ramifications actually are.

As has been already stated, this would allow farmers to erect four, eight foot square seasonal signs advertising their wares along the side of the road. Now, the original Bill was far more lenient than this, and the other Body saw fit to amend it appropriately. My objection, and let me make this very clear, my objection to this is not to limit in any way the ability of farmers or any other entity to advertise their wares. My concern is for the precedent that this sets, and the strong likelihood that the existing Billboard Law, which by most accounts whether you reside in the state, or you are someone who visits the state, is a very successful law. I think this has the potential of putting into motion efforts to pull apart the existing Billboard Law piece by piece.

Now, I don't speak without some frame of reference here. There are two legislative documents that have already, and there are perhaps more, but I only was able to do about ten minutes of research on this, there are two Bills currently in their respective Committee's which seek to do exactly this. One would require an applicant for an official business directional sign, they furnish and erect the sign at the applicant's expense, and would also include real estate signs. The second Bill, which is even more preposterous, would allow rotating four sided signs at low-speed, high traveled areas, such as toll plazas and tourist information booths. Now those are only two, but I dare say, ladies and gentlemen of the Senate, that their respective Committee's are waiting to see what this Body does with this particular Bill.

Now the good Senator from Aroostook, Senator Theriault, made reference to this Report, which is the Report of the Maine Travel Information Advisory Council, but I would quote from that Report with regard to this particular item. This is found on Page Two of this Report, "The Council as mandated by public law studied the need for additional signs to better serve Maine's interests in traveling public". Now this is an important part here, "While the official business directional sign system met these needs in most cases, Bills kept surfacing in the Legislature year after year seeking to create an exemption for agricultural signs. None of these Bills passed because it was felt that the proposed exemptions were too broad, and would have given agricultural oriented businesses an unfair advantage over other businesses". I think this states my objections to this amendment rather clearly. And I would also ask the question, is the fact that Bills were introduced year after year to do this, justification alone for inclusion of this recommendation in the full Report? I don't think so.

There have been many editorials about this issue, and I would just quote from one. "Proponents say that it is not practical to expect farmers to use the standard state approved blue directional signs for a product that is sold seasonally." But, why is it impractical? There is no reason why a standard state approved directional sign could not effectively advertise the location of a seasonal fruit or vegetable stand. Thus, I would again urge the acceptance of the motion before you to Indefinitely Postpone House Amendment "C" (H-102) to Committee Amendment "A" (H-72) so that I may offer my amendment. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Maybe you think the district that I come from is so developed that we don't have this problem also. I have many farmers in my area that have strawberry fields, blueberry bushes, and apples, and a lot of these are pick your own. Also, a lot of them have different fields that you are allowed to pick in, maybe a different week. They have to have these signs. They have to move them from one place to another giving the directions to where you are allowed to pick on that particular day or week.

I am very familiar with signs, because I am in real estate, and it is a necessity to have signs, even though some of them have been on the property for two years now. But, I think it is imperative we give these small farmers a break and allow them to have their directional signs for the seasonal produce. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This issue is very disturbing to me, having been Chair of the Business Legislation Committee the last two terms, and having dealt with this issue extensively during those last two terms, to have it now surface from the Committee on Transportation in a different form,

somewhat, and have a Travel Advisory Commission established, selected by people who were very interested in seeing that this legislation was passed.

The problem is that all the other sign Bills that were referred to by the good Senator from Penobscot, Senator Bost, are going to end up in our Committee on Business Legislation, and we will have a Committee on Transportation saying "yes" to the farmers for signs, and then we will have another Committee that has a Bill for realtors, so that they could put real estate signs up, and then we have another one to have a different type of sign up, and then we have the lobstermen who want to put up a sign, and then we will have everybody else, and we are going to have to say "no".

But, there has already been an allowance that has been made. I think it is very important we are very clear. I know that the Governor is very concerned about this encroaching into the Billboard Law and what it is going to be doing, and I think that while I am very concerned for the farmers in their situation, I think it is very important to be careful that there are a lot of other occupations out there, and interests that are going from hand to mouth that are very concerned about being able to advertise and thinking that we will help them. Somebody is going to have to say "no". We either take this step now with this regard, because I am going to take it as a clear signal that when the realtor's are looking for the for sale signs, or the lobstermen are looking for the signs for the sale of lobsters, or whatever, because it is seasonal, I am going to have to act more favorably because we have already established the precedent. I just want the Senate to understand that is what we are about to do here tonight. Thank you Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. What we are talking about here is a "Little Guy's Bill". I don't want you to forget that, it is for the small farmer that lives in remote Maine, that needs to tell us where he has his or her product.

It is true that amongst us there are those who have the luxury of touring the back country of Maine. They like to see nice straight picket fences. They like to see the green pastures, the apple orchards, and all that we owe to the farmers for putting together. I also want to say that somebody mentioned that there would be a precedent that might be set by passing of this Bill. Let me say that we have already set a precedent, but not necessarily in signs, but we have set precedent by stepping on our small farmers every chance we have! This nice open space that you so enjoy as you tour the countryside would not be there if the farmer was not there. They are the ones that take care of it for us so that we can enjoy it. And do we want to take from them the privilege of selling their products? What is going to happen to them if we do that? Use your imagination a little. These wide open spaces that we so enjoy by touring will no longer be there. They will become forests in a few years because these farmers will not be able to survive and save that farm that they have to scratch to make a living.

And here we are, discussing if we should allow a few signs directing us to their place of business so that they can sell their product, so that they can provide that wide open space, and the nice picket lines, and the cows grazing in the pasture for us to enjoy. I think that the time has come for us to vote on this Bill. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "C" (H-102) to Committee Amendment "A" (H-72) in **NON-CONCURRENCE**.

A Division has been requested.

Will all of those in favor of the motion to **INDEFINITELY POSTPONE** House Amendment "C" (H-102) to Committee Amendment "A" (H-72) in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** House Amendment "C" (H-102) to Committee Amendment "A" (H-72) in **NON-CONCURRENCE**, **FAILED**.

House Amendment "C" (H-102) to Committee Amendment "A" (H-72) **ADOPTED**, in concurrence.

On motion by Senator **THERIAULT** of Aroostook, Senate Amendment "A" (S-58) to Committee Amendment "A" (H-72) **READ**.

**THE PRESIDENT:** The Chair recognizes the same Senator.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment takes off the emergency off the Bill, and that is all that it does.

On further motion by same Senator, Senate Amendment "A" (S-58) to Committee Amendment "A" (H-72) **ADOPTED**.

Committee Amendment "A" (H-72) as Amended by House Amendment "C" (H-102) and Senate Amendment "A" (S-58) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Senator **BOST** of Penobscot moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to vote against this motion and order a Division.

I think this Bill is very important to our small farmers. We need to consider, for once, why don't we vote for them, for once, instead of always against them. It seems like every other Bill that we have in this Legislature is against the small people. We are putting impossible burdens on them. Now, we are doing even more with this Bill, we won't even allow

them to sell their products. This Bill is not going to hurt us any. These signs are strictly directional to a person's place of business. They are restricted during a certain period of the year. They are restricted in size. This is not going to hurt anyone. And this will preserve this great scenery that those of us who like to tour can enjoy and keep on enjoying. Thank you.

Senator **THERIAULT** of Aroostook requested a Division.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BOST** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of Yes will be in favor of the motion to **INDEFINITELY POSTPONE**.

A vote of No will be opposed.

Is the Senate ready for the question?

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

Senator **FOSTER** of Hancock who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **CAHILL** of Sagadahoc who would have voted **NAY**.

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators **BALDACCI**, **BOST**, **BUSTIN**, **CLARK**, **CONLEY**, **ESTY**, **GAUVREAU**, **KANY**

**NAYS:** Senators **BERUBE**, **BRAWN**, **CARPENTER**, **CLEVELAND**, **COLLINS**, **GILL**, **GOULD**, **HOLLOWAY**, **LUDWIG**, **MCCORMICK**, **MILLS**, **PEARSON**, **RICH**, **SUMMERS**, **THERIAULT**, **TITCOMB**, **VOSE**, **WEBSTER**, **THE PRESIDENT - CHARLES P. PRAY**

**ABSENT:** **EMERSON**, **MATTHEWS**

**PAIRED:** **BRANNIGAN**, **CAHILL**, **DUTREMBLE**, **ESTES**, **FOSTER**, **TWITCHELL**

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 6 Senators having paired their votes and 2 Senators being absent, the motion of Senator BOST of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

Senate at Ease

Senate called to order by the President.

The Bill as **Amended**, **TOMORROW ASSIGNED FOR SECOND READING** in **NON-CONCURRENCE**.

The Committee on **TRANSPORTATION** on Bill "An Act to Amend the Laws Regarding State Assistance to Mass Transportation"

H.P. 517 L.D. 745

Reported that the same **Ought to Pass** as **Amended** by **Committee Amendment "A"** (H-79).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-79).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-79) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify the Responsibilities of School Boards" (Emergency)

H.P. 536 L.D. 764

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

Signed:

Senators:

KANY of Kennebec  
THERIAULT of Arostook  
BRAWN of Knox

Representatives:

MITCHELL of Vassalboro  
ERWIN of Rumford  
TRACY of Rome  
KETOVER of Portland  
PINEAU of Jay  
RAND of Portland  
JOSEPH of Waterville  
HASTINGS of Fryeburg

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

Signed:

Representatives:

CARLETON of Wells  
GARLAND of Bangor

Comes from the House with 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.

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide for Community Service as an Alternative to Fines for Persons Convicted of Operating Under the Influence"

H.P. 94 L.D. 135

Reported 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  
STEVENS of Sabattus  
TUPPER of Orrington  
BOWERS of Sherman

The Minority of the same Committee on the same subject reported that the same **Ought to Pass As Amended by Committee Amendment "A"** (H-78).



Signed:

Representatives:  
JALBERT of Lisbon  
HICHENS of Eliot

Comes from the House with 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.

---

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Regulate Petitioners at the Polls on Election Day"

H.P. 107 L.D. 150

Reported 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  
RICHARDSON of Portland  
STEVENS of Sabattus  
TUPPER of Orrington  
HICHENS of Eliot  
BOWERS of Sherman  
POULIN of Oakland

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

Signed:

Representative:  
JALBERT of Lisbon

Comes from the House with 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.

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Increase the Fees for Local Registration of Motor Vehicles"

H.P. 470 L.D. 664

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

Signed:

Senators:  
THERIAULT of Aroostook  
GOULD of Waldo

Representatives:  
MACOMBER of South Portland  
STROUT of Corinth  
HUSSEY of Milo  
TAMMARO of Baileyville  
SMALL of Bath

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

Signed:

Senator:  
MILLS of Oxford

Representatives:  
MARTIN of Van Buren  
HALE of Sanford  
BAILEY of Farmington  
RICKER of Lewiston  
BOUTILIER of Lewiston

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

Which Reports were **READ**.

Senator **THERIAULT** of Aroostook moved to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill, if it passes, will allow municipalities to raise the service fee from two dollars to three dollars for motor vehicle registration renewals, and from two dollars to four dollars for new motor vehicle registrations. I realize that the municipalities are under a hardship like everyone else is at this time, and to increase taxes or fees is going to be something that they are going to have to consider along with the rest of us. But, I think it is important before we pass off any revenue source onto a municipality at this time, that we take a look at where we stand in this state as far as not only with the general fund which we hear a lot about, but with the highway fund, also. I would just like to read

part of the letter that I just received from the Office of Fiscal and Program Review, and it basically says, "There is eleven million seven hundred and forty-four thousand one hundred and eighty-eight dollars less in budgeted revenues. It appears that the highway budget is out of balance, particularly, when you consider the following factors; the balance forward from the fiscal year ending June 30th, 1990, was very recently estimated by the Bureau of Accounts and Control to be only four million one hundred fifty-nine thousand five hundred and two dollars. The actual revenue continues to fall short of projections, and the Highway Fund is budgeted to extend more than the amount of revenues than it can generate in the fiscal year 1991. It would seem that the Highway Fund is in a situation analogous to the General Fund, where revenue estimates have to be decreased and budget reductions implemented. I would appreciate being advised as to your plans to address the Highway Fund shortfall, particularly, in regard to the timing of the proposed solutions to the Legislature".

I received that on my desk, then I went down through and I have an update from the Office of Fiscal and Program Review, which says, "Attached you will find the Highway Fund Report for the month ending February 28, 1991. You will note that the actual revenues were less than budgeted by twelve million six hundred and seventy-seven thousand four hundred and fifty-six dollars as of February 28th". I think that it is very important before we allow taxes or fees to be increased on a municipal level, that we have to realize that we as a Transportation Committee and the Legislature, are going to have to come up with solutions with where we are going to come up with over twelve million dollars at this point, and it is growing. We are going to have to decide what we are going to do, what cuts we are going to make, what fees or taxes we are going to be increasing, if we are going to be. I think it would be a mistake at this time to give up a revenue source that we might have to go down to the municipal level at this time, and I think it would be a foolish thing to be doing, and not fiscally responsible, so I hope we will vote this down at this time. Thank you Mr. President.

Senator MILLS of Oxford requested a Division.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The communities asked for this privilege. They asked for the privilege to increase the fee that they can now charge from two to three dollars. I would also like to say that some of the communities, even though they are allowed to charge two dollars, they do not do that. They will charge a dollar, or they will charge whatever they think is fair. But, are we to sit in judgment if the communities request that privilege? Are we to sit in judgment and say we cannot trust you with that decision? That is a decision that will be made locally. We are not telling the communities that they will have to charge three dollars, that is not what it is at all.

And another thing, this might be of interest to you. Maybe what I have said up to this point has not been of interest to you, but this might be of interest. Most communities tell me that they fill pot holes with that money. Thank you.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. If you take a look at the Report, I think it is important to realize that the Minority Report is only one vote short of being a Majority Report, it is bipartisan. And I think the strong disagreement on this Bill, obviously, is something just mentioned by Senator Theriault of Aroostook, that some towns might not enact this tax increase or fee increase, well, that is true, they may not. And the question was also of whether or not we should be letting the local municipalities decide that. Well, I guess the point is with this type of fee, that it has always been our prerogative to decide whether or not it is raised or not. We sometimes allow the local level to decide, but I guess the question is at this point, with us being where we are with our Highway Fund, and the amount of money, do we want to be losing a revenue source? I think it would be unwise of us at this point, maybe at the end of the session if something comes up where we balanced our Highway Fund, and we have shown that we have balanced it, at that point, if we want to attach an amendment onto a Bill to allow municipalities to raise their fees, maybe we could vote for it. But, at this point, before we have even settled where we are going to come up with over twelve million dollars, I think it is foolish to be passing this type of legislation, and I hope we will wait until we have balanced our actual Budget before we do so. Thank you.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have a tendency in this particular issue to agree with the good Senator from Aroostook, Senator Theriault, but I must say that I am very disappointed in him, because he missed his opportunity to give his annual great pothole speech that we have become accustomed. Particularly, because just the other day I had occasion to drive down Route 11, from whence he comes, and I noted the potholes to be close to the thousands, and I was just getting ready for his windup about how many potholes he counts, if they are within a certain amount of distance they count as one, and those of you who are veterans here will remember his speech, and I am just disappointed that he didn't take advantage of that.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Theriault.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I used to make that speech occasionally about potholes, but since I am Chair of the Transportation Committee this year, I have to be very cautious about that. I know that the Commissioner of Transportation did not always appreciate what I said in the past. So, I have to be very careful.

I think what we are doing here is, in most of our municipalities, the people decide what they are going to pay for these plates. They vote on that at their annual town meetings. I know that there are some communities that don't have that type of government, but most of Maine has that type of government. So, if the people don't want to tax themselves an additional dollar, they are not going to do it. It is just a matter of giving the communities the choice. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **THERIAULT** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

A Division has been requested.

Will all of those in favor of the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, please rise in their places and remain standing until counted.

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

22 Senators having voted in the affirmative and 8 Senators in the negative, the motion by Senator **THERIAULT** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

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

---

**Senate**

**Leave to Withdraw**

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

Senator **THERIAULT** for the Committee on **TRANSPORTATION** Bill "An Act to Eliminate the Front Motor Vehicle License Plate" S.P. 48 L.D. 78

---

**Ought to Pass As Amended**

Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases" S.P. 236 L.D. 627

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-60)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-60) **READ** and **ADOPTED**, in concurrence.

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 Eliminate the Requirement of Mediation in Certain Domestic Cases" H.P. 72 L.D. 100

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

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

---

**House As Amended**

Bill "An Act to Assist in the Cleanup of Contaminated Property" H.P. 113 L.D. 156 (C "A" H-62)

Bill "An Act to Amend the Charitable Solicitations Act" H.P. 274 L.D. 394 (C "A" H-66)

Bill "An Act Concerning Waste Management" (Emergency) H.P. 318 L.D. 448 (C "A" H-68)

Bill "An Act to Protect Stone Walls, Stone Impoundments and Timber Bridges of Historical Significance" H.P. 379 L.D. 553 (C "A" H-69)

Bill "An Act Concerning the Commission on Governmental Ethics and Election Practices" H.P. 383 L.D. 557 (C "A" H-67)

Bill "An Act to Increase Support for Affordable Housing"

H.P. 404 L.D. 587  
(C "A" H-70)

Bill "An Act to Amend the Election Laws Relating to Ballot Counting"

H.P. 450 L.D. 640  
(C "A" H-65)

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  
(C "A" H-71)

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

---

**Senate As Amended**

Bill "An Act to Change the Term "Handicap" in the Maine Human Rights Act"

S.P. 104 L.D. 191  
(C "A" S-53)

Bill "An Act to Amend the Provisions Regarding the Uniform Traffic Ticket and Complaint"

S.P. 131 L.D. 233  
(C "A" S-54)

Bill "An Act to Ensure Safe Removal of Underground Oil Storage Tanks"

S.P. 146 L.D. 358  
(C "A" S-48)

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  
(C "A" S-50)

Bill "An Act Relating to Discrimination in Membership in Golf and Country Clubs"

S.P. 172 L.D. 427  
(C "A" S-52)

Bill "An Act Regarding Moose and Antlerless Deer Permits for People Who Have Been Called to Active Duty"

S.P. 280 L.D. 739  
(C "A" S-49)

Bill "An Act to Amend the Augusta Sanitary District Charter to Comply with Federal Sewerage Pretreatment Requirements" (Emergency)

S.P. 321 L.D. 877  
(C "A" S-51)

Bill "An Act to Provide for Notice of Termination of an Insurance Agency Appointment"

S.P. 324 L.D. 880  
(C "A" S-57)

Which were **READ A SECOND TIME** and **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 Exempt the Replacement, Repair and Maintenance of Road Culverts from State Permit Requirements

H.P. 98 L.D. 139  
(H "A" H-50 to C "A" H-43)

An Act Regarding Zoning Variances

H.P. 135 L.D. 195  
(C "A" H-48)

An Act to Amend Certain Provisions of the Laws Relating to Health Insurance

H.P. 257 L.D. 348  
(C "A" H-47)

An Act to Prohibit Tie-in Sales in Insurance

H.P. 273 L.D. 393  
(C "A" H-46)

An Act to Increase the Availability of Funding for Health Care

H.P. 281 L.D. 401  
(C "A" H-49)

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

---

An Act to Provide Funds for the Montpelier Museum in Thomaston

H.P. 521 L.D. 749

On motion by Senator PEARSON of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

---

**ORDERS OF THE DAY**

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

SENATE REPORTS - from the Committee on **EDUCATION** on Bill "An Act to Change the Process of Selecting the Commissioner of Education"

S.P. 51 L.D. 81

Majority - **Ought to Pass As Amended by Committee Amendment "A" (S-56)**.

Minority - **Ought Not to Pass**.

Tabled - April 11, 1991, by Senator CLARK of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 11, 1991, Reports **READ**.)

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

---

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

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)

Tabled - April 11, 1991, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, April 11, 1991, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

---

**RECALLED FROM LEGISLATIVE FILES**

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

(In Senate, April 4, 1991, the **LEAVE TO WITHDRAW** Report **READ** and **ACCEPTED**.)

(**RECALLED** from the Legislative Files, pursuant to Joint Order S.P. 563.)

On motion by Senator CLARK of Cumberland, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the **LEAVE TO WITHDRAW** Report.

On further motion by same Senator, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **HUMAN RESOURCES** in **NON-CONCURRENCE**.

Sent down for 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 **BALDACCI** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Remove the Sunset Provision of the Journeyman-in-training Electrician's Licensure Laws" (Emergency)  
S.P. 278 L.D. 737

Reported by Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Clarify the Definition of Beverage"  
S.P. 454 L.D. 1230

Reported by Senator **THERIAULT** for the Committee on **TRANSPORTATION** Resolve, to Increase the State's Funding Share for the Augusta Capitol Street and Armory Street Project  
S.P. 177 L.D. 432

Reported by Senator **CLEVELAND** for the Committee on **UTILITIES** Bill "An Act to Provide Customer Option to Block Access to Specific Charge Call Services"  
S.P. 268 L.D. 727

---

**Leave to Withdraw**

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

Reported by Senator **GAUVREAU** for the Committee on **JUDICIARY** Bill "An Act to Allow Right of Entry for Department of Marine Resources Personnel"  
S.P. 458 L.D. 1234

Reported by Senator **THERIAULT** for the Committee on **TRANSPORTATION** Bill "An Act Directing the Department of Transportation to Erect Signs on Interstate 95 Identifying the Fort Halifax Historic Site"  
S.P. 352 L.D. 954

---

**Ought to Pass As Amended**

Senator **KANY** for the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Revised Maine Securities Act"  
S.P. 297 L.D. 795

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-68) **READ** and **ADOPTED**.

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

---

Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Ensure Access to Boards of Directors"  
S.P. 38 L.D. 60

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-67) **READ** and **ADOPTED**.

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

Senator **MATTHEWS** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Require Each Person Licensed for the Practice of Funeral Service to Participate in Continuing Professional Education"  
S.P. 227 L.D. 581

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-66) **READ** and **ADOPTED**.

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

---

Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Exempt Certain Activities from the Site Location of Development Laws"  
S.P. 62 L.D. 114

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-64)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-64) **READ** and **ADOPTED**.

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

---

Senator **SUMMERS** for the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Amend the Special Archery Hunting Season Laws"  
S.P. 63 L.D. 115

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-65) **READ** and **ADOPTED**.

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

---

Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Allowing Local Governments to Accept Federal and State Funds" (Emergency)  
S.P. 151 L.D. 363

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-63)**.

Which Report was **READ**.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to have an explanation of this Bill.

**THE PRESIDENT:** The Senator from Penobscot has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President. If I remember correctly, that was to enable town meetings to be able to except federal funds. May I have this Tabled for a few minutes, Mr. President?

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE** of the Committee Report.

---

Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Concerning Removal or Destruction of Landmark Locations by State Departments"

S.P. 276 L.D. 735

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-61)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-61) **READ** and **ADOPTED**.

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

---

Senator **CLEVELAND** for the Committee on **UTILITIES** on Bill "An Act to Authorize the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Water District" (Emergency)

S.P. 355 L.D. 957

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-69) **READ** and **ADOPTED**.

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

---

### Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Legislative Salary and Benefit Increases Granted in 1989"

S.P. 157 L.D. 369

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

Signed:

Senators:

BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives:

NASH of Camden  
HEESCHEN of Wilton  
LOOK of Jonesboro  
KERR of Old Orchard Beach  
LARRIVEE of Gorham  
ST. ONGE of Greene  
JOSEPH of Waterville  
WATERMAN of Buxton  
GRAY of Sedgwick  
SAVAGE of Union

The Minority of the same Committee on the same subject reported that the same **Ought to Pass As Amended by Committee Amendment "A" (S-62)**.

Signed:

Senator:

EMERSON of Penobscot

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

---

### ORDERS OF THE DAY

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

SENATE REPORT - for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Allowing Local Governments to Accept Federal and State Funds" (Emergency)

S.P. 151 L.D. 363

Report - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** (S-63).

Tabled - April 16, 1991, by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE** of the Committee Report

(In Senate, April 16, 1991, Report **READ**.)

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. When this came up I didn't have time to read everything, and fighting for time, I posed a question, and looked up the amendment in my book. A number of years ago, I sponsored a Bill which has been modified since, that required towns to have an article in their warrant that called upon them to accept the money from the state. Originally, the Bill was to put down each category, to see if the town should vote to accept money from recreation, or welfare, or whatever. Well, my good friend the Town Manager of Corinth, said to me he thought that was pretty unreasonable. And I listened to him as I usually do, and he said, "Why don't you put that into one article and list the different categories that people get money from the state, and have the town vote on that?"

And I want to tell you, that the reason why I supported the Bill in the first place, was because I had been spending a lot of time in a lot of town meetings, and with the general public who said to me, "The state doesn't ever do anything for us. What does the state ever do for us?" Frankly, I got tired of it after a while, because sitting on a Committee that deals with some money, I wanted them to know that the state did do things, that we had revenue sharing, that we paid for a lot of the welfare costs, and one thing or another. So, I was hoping that if we put an article in the warrant at the town meeting, those people who are most apt to participate in town affairs, who go to town meetings, would be aware, some for the first time, that low and behold those communities receive state money.

Well, the Maine Municipal Association has never liked the idea of listing in a town warrant, for whatever reason, I think it is because, well, I don't know, I suspect that they always want more from the state, and if you show them you are already giving them a lot of money, that takes a little wind out of their sails. As I understand the amendment now, the article would read, "Shall the town vote to accept all money from the Maine State Legislature and the United States Federal Government?" And I think it loses its meaning at that point. That is the way I read it. It has been a quick reading on my part, I must admit, but if I am correct, it seems to me that just kills the whole idea, and you might as well not do anything. I would like to have listed in one article what it is that they get, so that people have an appreciation that those of us in Augusta haven't forgotten them.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. If I may respond, it was my understanding that many times there are offers of receiving federal grants that would come into municipal government and town officials that would have to wait until the next town meeting to accept that federal grant. This would allow them, it is my understanding, and if we are not correct, we stand to be corrected certainly, it was my understanding that this would enable them to indeed accept the funds and could not expend them until the next town meeting, at which time the people would decide for themselves how to spend the money. They would have to list in the articles to the people how the monies would be expended. That was my understanding.

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

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It seems to me that we have an adequate article now in the warrant with regard to state funds. It lists the different categories of money that they can receive. If the intention of the Committee, or the sponsor of the amendment, whatever, is to be able to receive federal funds, than I would say that is fine, why don't you put that in as the last sentence in the article that lists by category those things that you can get from the state, and not simply say, "Shall the town vote to accept all funds provided the Legislature and the United States Federal Government?" I am concerned that people do not understand the many different bits of money that comes from the state to the towns.

I just got a letter on my desk a little while ago, and it wasn't a nice letter, it said everyone should be thrown out of the Legislature, you don't do anything down there, there should only be one term limits, but I am not taking it real personal, but it could be. That is because I don't think people know what we do down here and the efforts that we make. I felt very strongly about the Bill when I put it in, and I wonder if the good Chairman of the Committee on State Government would allow this to be put to rest for a day to see if we could talk about amending it differently.

On motion by Senator **BERUBE** of Androscoggin, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Committee Report.

---

Off Record Remarks

---

On motion by Senator **GILL** of Cumberland, **ADJOURNED** until Wednesday, April 17, 1991, at 5:00 in the afternoon.