

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
Monday
April 29, 1991

Comes from the House Bill and Accompanying Papers
INDEFINITELY POSTPONED in **NON-CONCURRENCE**.

On motion by Senator **CLARK** of Cumberland, the
Senate **INSISTED**.

Sent down for concurrence.

Senate called to Order by the President.

Non-concurrent Matter

Prayer by the Honorable Donald F. Collins of
Aroostook.

SENATOR DONALD F. COLLINS: Let us be in a spirit
of prayer. The free spirit is the spirit of joy. It
delights to create beauty. It is unafraid. It knows
no fear. The free spirit declares the earth to be
its home, and the fragrance of the earth to be its
inspiration. It is strong. It is mighty. It views
its power with emotions of adventure. It dreams of
civilization like unto itself. It would create such
a world for human kind. It has the strength. The
free spirit sees the strength of the fertile earth,
the strength of the mountains, the valleys, the fire
spreading plains, the vast seas, the rivers, the
great sky as a wondrous dome, the sun in its rising,
its zenith, and its setting, and the night. It
glories in these powers of earth and sky as its own.
It affirms itself one with them all. The free spirit
sees life at work everywhere. Life the mysterious,
the companionable, the inevitable, the immensity and
the gentlest of powers, clothing the earth in a
pattern of radiance, of tenderness, and of fairy
delicacy. Thus the free spirit feels itself to be
likewise clothed, bound up in friendship with the
wonder worker of life. Amen.

HOUSE REPORTS - from the Committee on **AGRICULTURE**
on Bill "An Act Concerning the Restraint of Dogs That
Pose a Public Risk"

H.P. 604 L.D. 864

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass as Amended by Committee
Amendment "A" (H-112)**.

In House, April 22, 1991, the Minority **OUGHT TO
PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-112)**.

In Senate, April 24, 1991, the Majority **OUGHT NOT
TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **TWITCHELL** of Oxford, the
Senate **ADHERED**.

SENATE PAPERS

Bill "An Act Concerning Small Business Employer
Health Coverage Reforms"

S.P. 654 L.D. 1721

Presented by Senator **THERIAULT** of Aroostook
Cosponsored by Representative **GARLAND** of Bangor
and Representative **PLOURDE** of Biddeford

Bill "An Act to Provide for Funeral Service Life
Insurance"

S.P. 655 L.D. 1731

Presented by Senator **THERIAULT** of Aroostook

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

Sent down for concurrence.

Reading of the Journal of Thursday, April 25, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Allowing Local Governments to Accept
Federal and State Funds" (Emergency)

S.P. 151 L.D. 363
(S "A" S-74 to C
"A" S-63)

In Senate, April 18, 1991, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-63) AS
AMENDED BY SENATE AMENDMENT "A" (S-74)** thereto.

Bill "An Act to Increase Access to Federal Health Care Benefits"

S.P. 658 L.D. 1734

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Senator **CONLEY** of Cumberland and
Representative **PARADIS** of Augusta

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

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

Sent down for concurrence.

Bill "An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture" (Emergency)

S.P. 662 L.D. 1738

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Representative **REED** of Dexter and
Senator **RICH** of Cumberland
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Create a Single Uniform Summons and Complaint That May Be Used by All Law Enforcement Agencies in the State" (Emergency)

S.P. 653 L.D. 1720

Presented by Senator **GAUVREAU** of Androscoggin
Cosponsored by Representative **CARROLL** of Gray,
Representative **O'DEA** of Orono and Representative
PARADIS of Frenchville
Submitted by the Department of the Attorney
General pursuant to Joint Rule 24.

Bill "An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children"

S.P. 656 L.D. 1732

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **MELENDY** of Rockland
and Representative **LARRIVEE** of Gorham

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

Sent down for concurrence.

Bill "An Act to Amend the Law Regarding the Portland Board of Harbor Commissioners"

S.P. 652 L.D. 1719

Presented by Senator **GILL** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (Emergency)

S.P. 660 L.D. 1736

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

Resolve, Establishing a Commission to Study the State of Maine Manual of Policy and Procedures for Maine State Employees Combined Charitable Appeal (Emergency)

S.P. 661 L.D. 1737

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Representative **PFEIFFER** of
Brunswick and Representative **HEESCHEN** of Wilton

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

Sent down for concurrence.

Bill "An Act Requiring Notice by the Secretary of State before Suspension or Expiration of a Motor Vehicle Registration"

S.P. 657 L.D. 1733

Presented by Senator **GAUVREAU** of Androscoggin (By Request)

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

Sent down for concurrence.

Resolve, Authorizing the Conveyance of a Utility Easement to the City of Belfast

S.P. 659 L.D. 1735

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

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

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 **ENERGY AND NATURAL RESOURCES** Bill "An Act to Create an Exemption for Pleasant Pond Dam"

H.P. 907 L.D. 1304

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Establish an Environmental Training, Technical Assistance and Education Program" (Emergency)

H.P. 945 L.D. 1367

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Clarify the Payment of Fees for Testing Private Water Supplies"

H.P. 952 L.D. 1379

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Require Hunters of Upland Game to Wear Blaze Orange"

H.P. 961 L.D. 1388

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:

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Restrict Clear-cutting on Land Used for Drinking Water Supplies"

H.P. 993 L.D. 1442

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish the Special Commission to Study the Operations of State Government (Emergency)

H.P. 401 L.D. 575

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-160)**

Signed:

Representatives:

LOOK of Jonesboro
SAVAGE of Union

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.

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 **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Dedicate Fines Collected from Political Subdivisions to a Technical Assistance Program"

S.P. 257 L.D. 715

Reported by Senator **BALDACCI** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Relating to Navigation Dredge Maintenance Projects"

S.P. 441 L.D. 1185

Reported by Senator **BALDACCI** for the Committee on **ENERGY AND NATURAL RESOURCES** Resolve, to Create the Maine Commission on Environmental Policy

S.P. 545 L.D. 1449

Reported by Senator **TWITCHELL** for the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Require All Watercraft Used on Inland Waters to Have Maine Registrations"

S.P. 533 L.D. 1416

Reported by Senator **BOST** for the Committee on **TAXATION** Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property"

S.P. 522 L.D. 1400

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 **BOST** for the Committee on **HUMAN RESOURCES** Bill "An Act Concerning Monitoring and Inspection of Boarding Homes"

S.P. 50 L.D. 80

Reported by Senator **BOST** for the Committee on **HUMAN RESOURCES** Bill "An Act to Meet the Increasing Critical Need for Visits by Maternal and Child Health Care Nurses to the Homes of Multiproblem Families" (Emergency)

S.P. 66 L.D. 118

Reported by Senator **BOST** for the Committee on **HUMAN RESOURCES** Bill "An Act to Enhance the Transition from Special Education Programs to Adult Services"

S.P. 73 L.D. 129

Reported by Senator **BOST** for the Committee on **HUMAN RESOURCES** Bill "An Act to Appropriate Funds for Case Management Services for Troubled Youth in the Greater Portland Area"

S.P. 101 L.D. 188

Reported by Senator **BOST** for the Committee on **HUMAN RESOURCES** Bill "An Act to Appropriate Funds for Support Services for Persons Who Are Homeless"

S.P. 520 L.D. 1398

Change of Reference

Senator **LUDWIG** for the Committee on **ENERGY AND NATURAL RESOURCES** on Resolve, to Implement the Final Report of the Commission on Maine's Future

S.P. 546 L.D. 1450

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

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

The Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Repeal Certain Redundant Laws Relating to the Bureau of Air Quality Control"

S.P. 425 L.D. 1137

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-94)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

Bill "An Act to Modify the Radiation Protection Laws"

H.P. 904 L.D. 1301

Bill "An Act to Clarify Appellate Procedures under the Public Sector Labor Laws"

H.P. 925 L.D. 1322

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

House As Amended

Bill "An Act Concerning Purchases of Alcohol from Agency Stores"

H.P. 91 L.D. 132
(C "A" H-155)

Resolve, to Create a Pilot Project for a Substance Abuse Halfway House for Pregnant Women and Mothers with Young Children

H.P. 174 L.D. 259
(C "A" H-158)

Bill "An Act Concerning Postsecondary Student Immunization Requirements"

H.P. 198 L.D. 289
(C "A" H-164)

Bill "An Act Concerning Requests for Medical Records"

H.P. 298 L.D. 419
(C "A" H-157)

Bill "An Act to Continue Support for the Maine Hospice Council and to Change Certain Provisions of the Law Necessary to the Proper Operations of the Maine Hospice Council"

H.P. 412 L.D. 595
(C "A" H-159)

Bill "An Act to Amend the Laws Concerning Postgraduate Education in the Field of Medicine" (Emergency)

H.P. 430 L.D. 613
(C "A" H-165)

Bill "An Act Regarding the Licensing of Nurses"

H.P. 436 L.D. 619
(C "A" H-154)

Bill "An Act to Clarify the Laws Relating to Insurance Coverage for Mammograms" (Emergency)

H.P. 452 L.D. 642
(C "A" H-166)

Bill "An Act to Reduce Marine Pollution"

H.P. 594 L.D. 845
(C "A" H-162)

Bill "An Act to Establish Coordination Services for People Who have Sustained Traumatic Brain Injury"

H.P. 613 L.D. 873
(C "A" H-156)

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

H.P. 644 L.D. 918
(C "A" H-167)

Bill "An Act to Change the Title of the Office of Dental Health"

H.P. 801 L.D. 1147
(C "A" H-163)

Bill "An Act to Appropriate Funds for the Maine Potato Breeding Program"

H.P. 809 L.D. 1163
(C "A" H-168)

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

Bill "An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization"

H.P. 546 L.D. 783
(C "A" H-135)

Which was **READ A SECOND TIME**.

On motion by Senator **CLARK** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BANKING AND INSURANCE**, in concurrence.

Senate

Bill "An Act to Revise Provisions for a New Birth Certificate after Adoption"

S.P. 339 L.D. 929

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

Sent down for concurrence.

Bill "An Act to Amend the Reduction in Toxics in Packaging Laws"

S.P. 572 L.D. 1526

Which was **READ A SECOND TIME**.

On motion by Senator **TITCOMB** of Cumberland, Senate Amendment "A" (S-95) **READ** and **ADOPTED**.

On motion by Senator **BUSTIN** of Kennebec, Senate Amendment "B" (S-105) **READ** and **ADOPTED**.

Which was **PASSED TO ENGROSSED, As Amended**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Ban Tree Spiking"

S.P. 116 L.D. 211
(C "A" S-89)

Bill "An Act to Improve Consumer Access to Physical Therapy Services"

S.P. 184 L.D. 493
(C "A" S-93)

Bill "An Act to Provide an Expedited Process for the Commencement of Paternity Actions"

S.P. 310 L.D. 819
(C "A" S-87)

Bill "An Act to Provide Funds to Dental Clinics"

S.P. 333 L.D. 908
(C "A" S-91)

Bill "An Act Regarding the Relaying of Shellfish"

S.P. 439 L.D. 1183
(C "A" S-88)

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

Sent down for concurrence.

Bill "An Act Relating to Health Insurance"

S.P. 265 L.D. 742
(C "A" S-86)

Which was **READ A SECOND TIME.**

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

ORDERS OF THE DAY

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

Bill "An Act to Review the Kennebec County Budget Committee" (Emergency)

S.P. 640 L.D. 1688

Tabled - April 25, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

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

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

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

Bill "An Act to Change the Process of Selecting the Commissioner of Education"

S.P. 51 L.D. 81
(C "A" S-56)

Tabled - April 25, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, April 24, 1991, **READ A SECOND TIME.**)

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

Sent down for concurrence.

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

Bill "An Act to Create a Special Liquor License for Certain Service Provider Organizations"

S.P. 136 L.D. 276
(C "A" S-78)

Tabled - April 25, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, April 24, 1991, **READ A SECOND TIME.**)

Senator **KANY** of Kennebec moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **KANY:** Thank you Mr. President. Would the Secretary please read the Committee Report?

THE PRESIDENT: The Secretary will read the Committee Report.

Which Reports were **READ.**

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I apologize to you for not discussing this issue when it was first before us in the form of a Divided Report. I came in a little late from a Hearing, and therefore, missed that opportunity. But, I do hope that you do support the majority of the members of the Committee, and choose to kill this Bill. Really, what the Bill would do is allow a "Rolling Bar". It would allow limousines to have liquor licenses and to be able to serve all kind of liquor to those traveling in the limousine. I

think that is inappropriate and something that the State of Maine and the Maine Legislature should not encourage. I ask you to support the majority of the members of the Committee and kill the Bill.

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

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill was sponsored by Senator Brannigan, and I think it is an important thing to realize that limousines in the State of Maine are already serving alcohol. The reason that this Bill was offered, is so that they are forced to have a liquor license in order to be serving that alcohol in their limousines.

If you want to talk about a "Rolling Bar", and get rid of a "Rolling Bar" in the State of Maine, I would move that you introduce a Bill to eliminate limousines serving alcohol. The point of the matter is, if you accept the Majority Report, you are doing nothing. You are allowing these limousines to continue serving alcohol and you are not requiring them to have a license. Now, our state has taken a position that we are a controlled state. If somebody is going to serve alcohol as a service, then they need a license in this state. For example, a couple of years ago, florists wanted to sell alcohol when they sold flowers. They wanted to sell a bottle of champagne along with their flowers. We said in order for you to do that, you need to have a license in order to sell that alcohol. That is exactly what we should be doing with limousines. They are serving alcohol in limousines, and we should be licensing them. They should not be allowed any more than any other group, or organization, or business in the State of Maine to serve alcohol to people without a license.

The point is, if you don't want alcohol in limousines, than you should be putting in a Bill to do away with alcohol. But, if you are going to allow alcohol in limousines, you should be licensing it, just like any other service group or business in the State of Maine. So, if the contention is by somebody who was against this, and they don't want alcohol in limousines, then I would ask why didn't they report out a Bill outlawing the alcohol in the limousines? You can't have it both ways. You can't say that you don't want to license it, but at the same time, you are not offering to outlaw it. If you don't want it in there, you should be reporting out a Bill that says that there is no alcohol to be allowed in limousines, or you should license it. I think we should do like we have done with every other type of group that is serving alcohol, we should license them. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I didn't know that was a recommendation for passage or not. It is true that this was a Bill I sponsored. I was asked to sponsor this Bill by the Liquor Enforcement people, because they have had a problem with liquor enforcement in limousines. Actually, I put in two Bills at the request of the Liquor Enforcement. One was to forbid the drinking of liquor in cars. The

other was to allow the drinking of liquor in cars, and this Bill, which would be licensed, which would be a service, which the liquor would be as part of the paid service, liquor would be allowed.

I commend the Committee for their hard work, they did a lot of work on this Bill. They did a lot of work to narrow this Bill to its present position in dealing with limousines, which is a service that people pay. And as the Chairman has said, why not. Why not license this as a service? I think many people feel drinking in cars is not allowed. They think people don't do that, but people do that. It is not against the law as long as you are not driving. But, in limousines where it is part of the paid service, the Liquor Enforcement people of this state feel that it should be licensed. Therefore, the choice is clear and somewhat simple. If we want to control, we should license. If not, let them roll. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise in support of the good Senator from Kennebec, Senator Kany's motion, to Indefinitely Postpone this Bill. The Senator from Oxford, Senator Mills, made some good points. I don't think there is any question about that. I think the question that we have to ask ourselves right now, is rather or not we want to come across as not only Legislators, but citizens of this state, to allow an almost, in some instances, promotion of the consumption of alcohol on the highways. Now, there is no question that several service organizations, when they take trips to ball games and so forth, they do have alcohol in those busses. But, I think it is important to point out that many times alcohol is brought on board by those individuals, it is their choice to bring that alcohol on board. If we pass legislation like this, it is almost like giving a license to encourage consumption. For many individuals who may, in fact, have to drive once they reach their destination, it just seems to me in light of our feeling in this state regarding drinking and driving, this is not a prudent step to be taking at this time. Again, I support Senator Kany's motion. I hope that the other members of the Senate will do so. Thank you Mr. President.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to clarify what the current law is. The current law does not allow a limousine owner, or chauffeur, or chartered bus owner to sell liquor. The current law does allow riders, not drivers, to consume liquor in a limousine or the chartered bus. But, they would have to have brought their own beer, wine, or whatever. In this Bill, in current form, the Minority of the Legal Affairs would allow that chauffeur, or limousine owner, or chartered bus owner, to actually have a license and to sell any kind of liquor to their customers. I am opposed to that public policy, and I hope that you would agree with me, that we do not want to encourage traveling bars, or "Rolling Bars". That is the issue, it is a fairly simple one, but that is what the law is. 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. I just want to make sure that we have this straight, because it seems like both sides are arguing for control of liquor, which I find interesting.

The Liquor Commission wants this Bill to pass, and so I find it interesting to find the people that are on the other side of the issue are moving so that they want to control alcohol. I find it especially funny that people are standing up here telling us they don't want alcohol to be served in vehicles, but they were up here a couple of weeks ago trying to have cold hard ones available in cars. And now, they are telling us that they don't want us to have it in limousines. I find that really interesting!

The point of the matter is, that if anyone will open any of their magazines or newspapers today, limousines are selling alcohol with their limousine service. The way they are getting around it is, they are offering free champagne or drinks with their service. That is why the Liquor Commission wants this Bill to pass for enforcement, and we want to make it very clear that anyone who is giving away liquor with their service, who is encouraging alcohol consumption, they will have to be licensed like anyone else in the State of Maine who wants to sell alcohol and give it as a service.

Again, if you want to stop alcohol, I want to ask the people again on the Ought Not To Pass Report, if you really want to do away with this service that is being offered, why didn't they come forward and say there would be no alcohol served in these vehicles? I think it is obvious. The Liquor Enforcement people want this Bill to pass so that they will be able to force these vehicles, and make sure that anyone in the State of Maine who is giving alcohol as a service to their business, has to be licensed, just like anybody else. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Perhaps, I am out of the closet on this one. I would have voted Ought Not To Pass for the very reasons that the good Senator from Oxford, Senator Mills, is suggesting. It is hard enough to find a good bar anywhere, let alone a good "Rolling Bar"! I don't see any problem whatsoever with having a limousine and a driver who we all know would be sober, driving, while somebody else in the vehicle, which I presume would be in the back of the vehicle, consuming alcohol. I think we would want to encourage a system where we have a designated driver.

The reason I am against this Bill comes down to a basic issue of privacy. I don't know what goes on in the backs of those limousines with the dark tinted windows. But, I don't want police officers out there stopping them on their whim to check to see whether or not the limousine operator has a license, other than a driver's license. The only reason that you can pull over a driver of a car, is because there is something wrong with his or her driving. If you

establish a licensing procedure like this, that this Bill would call for, anyone would be pulled over just to see if they have that license, and these police officers would be peeping into the back and all around those cars to see what else is going on in there. So, I support the Majority of this Committee, even if it may be for the wrong reasons. I am with them all the way. Thank you Mr. President.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The good Senator from Oxford, Senator Mills, has brought up some more good points. I think when you talk about control in this issue, one thing you need to take into consideration is as in any establishment that has license for on premise consumption, there are liquor servers there. I think you need to ask yourself a question. Is the driver of this limousine, or bus, going to stop and serve the alcohol? How many times, if he stops the limousine to become a bartender, gets one drink and starts down the road, is he going to have to stop again to get another drink? The point I am trying to make, is someone in control of these issues? Is someone in control when you have a license to see if someone is intoxicated? There is no control there. When you are on an airplane, flight attendants act as bartenders and servers. I think you will find most people who run liquor establishments guard that license very jealously as a means of their livelihood. So, I think it would be very difficult, unless we amend this Bill, to make it a law that they have to have a bartender on board on each one of these limousines. There is just no control in this situation. Thank you Mr. President.

The Chair ordered a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **KANY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

Will all of those in favor of the motion by Senator **KANY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, 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 7 Senators having voted in the negative, the motion by Senator **KANY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

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 **BRAWN** for the Committee on **BANKING AND INSURANCE** Resolution, Proposing an Amendment to the Constitution of Maine to Ensure the Financial Integrity of Any Public Mutual Insurance Company Established to Provide Workers' Compensation Insurance
S.P. 387 L.D. 1064

Reported by Senator **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act Relating to Workers' Compensation Self-insurance"
S.P. 448 L.D. 1192

Reported by Senator **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act to Provide Separate Medical Indemnity Premium Charges Under the Workers' Compensation Insurance Act"
S.P. 497 L.D. 1335

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act to Enhance Voters' Rights in Relation to School Administrative District Budgets"
S.P. 478 L.D. 1280

Reported by Senator **MCCORMICK** for the Committee on **EDUCATION** Bill "An Act to Increase the Minimum State Share of Total Education Costs"
S.P. 521 L.D. 1399

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Facilitate Workers' Compensation Payments to Injured Workers"
S.P. 108 L.D. 205

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act Relating to Notice of Injury under the Workers' Compensation Act"
S.P. 150 L.D. 362

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act Relating to Compensation for Hearing Loss Under the Workers' Compensation Act"
S.P. 182 L.D. 491

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act Related to Workers' Compensation Evaluations"
S.P. 194 L.D. 503

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Retain Workers' Compensation Appeals to Correct Manifest Error or Injustice" (Emergency)
S.P. 201 L.D. 510

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Modify the Provision Regarding Compensation for Partial Incapacity under the Workers' Compensation Act"
S.P. 302 L.D. 811

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Amend the Average Weekly Salary of a Seasonal Worker" (Emergency)
S.P. 309 L.D. 818

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Permit Predetermination of Independent Contractor Status"
S.P. 312 L.D. 850

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Amend the Maximum Number of Benefit Weeks for Partial Disability Under the Workers' Compensation Act"
S.P. 336 L.D. 911

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Provide Provisional Orders for Workers' Compensation Cases"
S.P. 373 L.D. 998

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Amend the Workers' Compensation Act to Provide for Fair Minimum Benefits"
S.P. 382 L.D. 1059

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Provide Individual and Family Health Insurance Coverage and Pension Coverage for Injured Workers"
S.P. 442 L.D. 1186

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Clarify the Provisional Payments Provision of the Workers' Compensation Laws Regarding Disability and Medical Payments"
S.P. 490 L.D. 1328

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act Concerning Eligibility for Weekly Disability Benefits"
S.P. 499 L.D. 1337

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Clarify the Workers' Compensation Act"
S.P. 513 L.D. 1374

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Base Workers' Compensation Insurance Surcharge on Preventable Injuries"
S.P. 523 L.D. 1401

Reported by Senator **ESTY** for the Committee on **LABOR** 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

Reported by Senator **ESTY** for the Committee on **LABOR** 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

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Support Occupational Health Services"
S.P. 591 L.D. 1563

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 **BERUBE** for the Committee on **JUDICIARY** Bill "An Act to Strengthen the Involuntary Commitment Laws"
S.P. 49 L.D. 79

Reported by Senator **ESTY** for the Committee on **LABOR** Bill "An Act to Amend the Definition of Aquaculture"
S.P. 178 L.D. 433

Ought to Pass

Senator **HOLLOWAY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Provisions Regarding Prejudgment Interest"
S.P. 230 L.D. 584

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

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

The Bill **READ ONCE**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Reconcile Dates Barring Claims in the Probate Code"
S.P. 559 L.D. 1463

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System"
S.P. 242 L.D. 646

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

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

Senator **MCCORMICK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Provide for the Payment of Late Fees by School Administrative Units and Participating Local Districts That Are Delinquent in Paying Contributions to the Maine State Retirement System"
S.P. 361 L.D. 963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-102)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-102) **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 Ensure Voter Participation in the Siting of Both Storage and Disposal of Radioactive Waste"
S.P. 407 L.D. 1083

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-100)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-100) **READ** and **ADOPTED**.

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

Senator **BOST** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Reduce Duplication at the Department of Human Services"

S.P. 247 L.D. 656

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-103)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-103) **READ** and **ADOPTED**.

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

Senator **ESTY** for the Committee on **LABOR** on Bill "An Act to Require Prompt Payment of Wages Due Upon Discharge for All Employees"

S.P. 220 L.D. 547

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-98)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

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

Senator **ESTY** for the Committee on **LABOR** on Bill "An Act to Increase the Probationary Period for Police Officers"

S.P. 413 L.D. 1127

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-99)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-99) **READ** and **ADOPTED**.

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

Senator **THERIAULT** for the Committee on **TRANSPORTATION** on Resolve, to Name the Bridge Spanning the Little Madawaska River in Caribou the "B. Morrell Bridge"

S.P. 380 L.D. 1057

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-96)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Limit Certain Terms of Office"

S.P. 97 L.D. 182

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

Signed:

Representatives:

SAVAGE of Union
LOOK of Jonesboro
NASH of Camden

Which Reports were **READ**.

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

Sent down for concurrence.

Off Record Remarks

ORDERS OF THE DAY

On motion by Senator **DUTREMBLE** of York, the Senate removed from the Unassigned Table the following matter:

Resolve, to Require Assistance for Economic and Community Development Activities (Emergency)
S.P. 428 L.D. 1139
(S "A" S-30)

Tabled - April 1, 1991, by Senator **DUTREMBLE** of York.

Pending - **FINAL PASSAGE**

(In Senate, March 21, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-30).**)

(In House, March 28, 1991, **FINALLY PASSED.**)

On further motion by same Senator, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

On motion by Senator **DUTREMBLE** of York, **ADJOURNED** until Tuesday, April 30, 1991, at 10:00 in the morning.