

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
Tuesday
April 30, 1991

Senate called to Order by the President.

Prayer by the Honorable Dale McCormick of Kennebec.

SENATOR DALE MCCORMICK: Almighty God, pray in every heart the true love of peace, and guide with Your wisdom those who take council for the nations of the earth, that in tranquility, Your dominion may increase until the earth is filled with the knowledge of Your love. Amen.

Reading of the Journal of Monday, April 29, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Exempt Certain Activities from the Site Location of Development Laws"
S.P. 62 L.D. 114
(C "A" S-64)

In Senate, April 17, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64) AS AMENDED BY HOUSE AMENDMENT "A" (H-184)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives
H.P. 256 L.D. 347

In House, April 24, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89).**

In Senate, April 25, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator **CLARK** of Cumberland, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE.**

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Concerning Ice Fishing"
H.P. 485 L.D. 679
(C "A" H-132)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-132).**

Minority - **Ought Not to Pass.**

In House, April 22, 1991, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

In Senate, April 25, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Senator **MATTHEWS** of Kennebec moved that the Senate **ADHERE.**

Senator **WEBSTER** of Franklin moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

Senator **MATTHEWS** of Kennebec requested a Division.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.** (Division Requested)

House Papers

Resolve, Directing the Department of Education and the Bureau of Insurance to Develop a Proposal to Allow Schools in Maine to Self-insure for Property, Fire and Theft
H.P. 1182 L.D. 1725

Resolve, to Develop a Statewide Health Insurance Program (Emergency)

H.P. 1184 L.D. 1727

Bill "An Act to Provide More Affordable Health Insurance for Small Businesses"

H.P. 1187 L.D. 1730

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

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

Bill "An Act Requiring Plumbers and Electricians to Demonstrate Financial Responsibility"

H.P. 1183 L.D. 1726

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

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

Bill "An Act to Establish a Shock Incarceration Program"

H.P. 1185 L.D. 1728

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

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

Bill "An Act Relating to the Maine Criminal Justice Commission"

H.P. 1186 L.D. 1729

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

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **REFERENCE**.

Bill "An Act to Protect the Health and Safety of Public Employees"

H.P. 1180 L.D. 1723

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate Highway Revenues
H.P. 1181 L.D. 1724

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

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

Bill "An Act Concerning Interest Paid on Savings"
H.P. 1179 L.D. 1722

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

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

THE PRESIDENT: The Chair at this time is pleased to recognize a number of former members who are here.

The Chair is pleased to recognize Joseph Campbell from Augusta, who served in the 101st, and was President of the Senate in the 103rd Legislature.

The Chair is pleased to recognize Margaret Sproul. She served in the 101st, 102nd, and the 103rd. Margaret had previously served in the House in the 100th Legislature.

The Chair is pleased to recognize Frederick Allen, who now lives in Arlington, Virginia. He was a Republican who served in District 29, Senator Brannigan's District, and who served in the 94th and the 95th Legislatures.

The Chair is pleased to recognize Albert Elliot from Thomaston, Maine. Former Senator Elliot is accompanied by his spouse, Helen, and he was the Republican Floor Leader in the 91st Session. His District is now represented by Senator Brawn. He served in the 89th, 90th, and 91st, and also served in the House in the 87th and 88th.

The Chair is pleased to recognize Senator Ed Erwin from Rumford. Senator Erwin's District is now represented by Senator Mills of District 8. He served in the 111th, 112th, 113th, and the 114th.

The Chair is pleased to recognize former Senator, and now Representative Walter Hichens from Eliot, Maine. Senator Estes serves his District now, District 35. He served in the 105th through the 112th in the Maine Senate. He served in the House of Representatives in the 103rd, 104th, and now in the 115th.

The Chair is pleased to recognize David Kerry from Saco from District 31, now represented by Senator Summers. Senator Kerry served in the 112th Maine Senate.

The Chair is pleased to recognize Frank Norris from Peru. Frank's District is now represented by Senator Twitchell. He served in the 102nd and the 103rd.

The Chair is pleased to recognize Courtney Stover from West Bath. Courtney's District is now represented by Senator Cahill. He served in the 112th in the Senate, and served from the 108th to the 111th in the House of Representatives.

The Chair is pleased to recognize a past President of the Senate and former Governor, Burton M. Cross. His District is now represented by the Senator from Kennebec, Senator Bustin. He served in the 92nd, 93rd, 94th and 95th, and also served in the House of Representatives in the 90th and 91st Legislature.

At this time, the Chair requested that the Sergeant-At-Arms escort the HONORABLE BURTON M. CROSS, the former Governor, to the Rostrum. (Amid applause, the Members rising.)

HONORABLE BURTON M. CROSS: Well, it is a pleasure to be here with you. Breath that ratified air of the Senate. I had asked for some time to give you some facts that might be helpful to you, in as much as you seem to be pressed for time, I will save this for that unmentionable Body at the other end of the Hall.

I would like to say just one thing. I noticed that the Appropriations Committee Chairman is here, and I had thought that with all of these difficult times that you have had for four months, that I would see haggard faces, eyes blurred. But, doggone, you look fine! So, I guess that it must be that Maine people are very resilient and rise to the occasion. I hope that you do.

I would like to take you back just for a moment about forty years, when we made some hard choices. And you are going to make some hard choices here in the next month or six weeks. We passed a two percent sales tax, and don't think it was easy! It was the first broad based tax that Maine had, and we had voted it down at least twice. I was one who voted against it. I was a businessman, I didn't want to be a tax collector for the State of Maine. But, times change, inflation was hitting us, and we needed more money. Governor Payne advocated it, and we all had to rally around. We had to make the hard choice. As President of the Senate, I called in IOU's, quite a few. I twisted a number of arms, and we managed to

get a vote through with one to spare. And having asked all of these people to vote their conscience, and was aware of the political fallout, I felt that I should join them as having asked them to vote, I would also vote Yea, even though it wasn't necessary.

So, I only tell you this to emphasize the fact that you are going to be faced with some hard choices, and you will have to examine your conscience, and decide whether the state as a whole is deserving of your vote, or whether you will be watching too much for your own districts. You have to think in terms of the greater good. Thank you very much.

The Sergeant-At-Arms escorted the HONORABLE BURTON M. CROSS from the Rostrum. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair would ask that the previous members of the Senate that I had introduced prior to asking former Governor Cross to speak, be given a round of applause in appreciation for their service. (Amid applause, the Members rising.)

The Chair would note several other members who have come in. The Chair is pleased to recognize former Senator Linwood Graffam of Westbrook. His District is now represented by Senator Esty. He served in the 106th and the 107th.

The Chair is pleased to recognize Andrew Redmond from Skowhegan, the District now represented in part by the Senator from Kennebec, Senator Matthews, and District 4 by Senator Webster. He served in the 108th, 109th, 110th and 111th.

The Chair would ask if both of these Senators would rise and accept the greetings of the Senate. (Amid applause, the Members rising.)

The Chair would note that I have not yet introduced all the former members who are here. We are going to take about a fifteen minute break so that former House members who now serve in the Senate may participate in the House festivities. We will be coming back in approximately fifteen minutes, that is fifteen minutes legislative time, and I am sure you all remember what that was like.

On motion by Senator **TWITCHELL** of Oxford, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

THE PRESIDENT: The Chair at this time is pleased to recognize a few former staff members who are here.

The Chair is pleased to recognize Sharon Libby Jones from Greenville, with her spouse Ron Jones. Sharon served as Chamber Staff in the 113th Legislature, and office Secretary for the President of the Senate in the 114th Legislature. The Chair would ask if Sharon would please rise.

The Chair is pleased to recognize Henry Lydon of Cape Elizabeth, with his wife Helen. He was Assistant Post Master in the 112th and 113th Legislature.

The Chair would ask Marie Brotherton to also stand, Marie was Office Secretary in the 107th, 108th and 109th for the Secretary of the Senate's Office.

The Chair is pleased to recognize former Senate Courier, Stan Gersofsky of Bellows Falls, Vermont. Stan served in the 112th Legislature.

The Chair is pleased to note the presence of Christine Patrick of Gardiner. Christine served as Office Secretary to the Republican Leadership from the 107th through the 111th. The Chair would like to extend to all of them a welcome back.

The Chair is pleased to recognize a couple of former members who have come into the Body. Kitty Carswell of Portland served in the Senate in the 105th, and in the House the 102nd and the 103rd. Ron Kellam from South Portland served in the 104th and the 105th, and also served as Representative from the 90th to the 100th. The Chair would ask both Kitty Carswell and Ron Kellam to please rise and accept the greetings of the Senate.

The Chair notes the presence of former Senator Arthur Gordon from Westbrook. He served in the 104th.

The Chair would ask Ron Usher from Westbrook, who served in the 108th through the 113th and prior to that served one term in the House of Representatives.

The Chair would ask if both Arthur and Ron would rise and accept the greetings of the Senate.

The Chair notes a former Presiding Officer of this Chamber, a Senator from Portland, Senator Gerard P. Conley, Sr. Not to be confused with the seat now being represented by Senator Gerard P. Conley, Jr., from Portland.

At this time, the Chair requested that the Sergeant-At-Arms escort the HONORABLE GERARD P. CONLEY, SR., former President of the Senate, to the Rostrum. (Amid applause, the Members rising.)

HONORABLE GERARD P. CONLEY, SR.: Mr. President. Members of the Senate. It is always a pleasure to return to these Chambers where I spent two thirds of my life. But, each moment was an enjoyable one, although many times I left here scared, and battered, and bruised. But I have got to tell you, those who are in the Minority, believe me, I never enjoyed myself more as spending my entire last term in the

Minority. It meant something to me, because you challenge the Majority and make them responsible.

It is good to see Kitty Carswell sitting here, because she and I came to the Senate together. She spent years down in the House before I got to the House. But, Ron Kellam and I, Kitty, and later Arthur Gordon were here together. I just want to tell you a funny story that took place back in those days. Ron was on one side of me, and Arthur Gordon was on Ron's immediate right, and I was on Ron's left. Arthur had the reputation of being a very, very quiet Senator. He allowed us with the big mouths to do all the speaking. But finally, one day he rose, and he addressed the Chair and the Senate, and he was going on, and on, and on. He spent about twenty minutes speaking on this Bill. I can't recall what the item was, but he finally sat down. Ken MacLeod was the presiding officer, and he kept looking over at me, saying, "What is going on with this guy?" And I would just keep looking up and say, "I don't know?" Finally, Arthur finished his address to the Senate, and he immediately turned around and said to me, "Could you tell what side of the issue I was on?" Ron looked at me, and I looked at him, and I looked at Arthur and said, "No". And Arthur said, without even thinking, "Thank God!" That was it.

That is only one of the many, many things that I remember back through those years. I have enjoyed my stay here, and it has obviously been a great part of my life. It is nice to know that I have a senior offspring that went astray, came here to follow, not in my footprints, because it is his footprints that I have been following the last several years, and he has been doing a fine job keeping the Conley name alive, and well, and healthy. I am extremely pleased and proud of him as I am all of you.

I want to thank you, Mr. President, for giving me the opportunity to come to the Podium, and I thank you for welcoming me here today. Thank you.

The Sergeant-At-Arms escorted the HONORABLE GERALD P. CONLEY, SR. from the Rostrum. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair also notes that several other former members have joined us.

The Chair is pleased to recognize Severin Beliveau, who served in the 104th Senate. The District now served by the Senator from Oxford, Senator Mills.

The Chair notes Mary Najarian, former Assistant House Majority Leader in the 107th Legislature. She served in the Senate as Chair of the Appropriations Committee, from the 109th to the 112th. The Chair would ask if the two of them would please rise and accept the greetings of the Senate.

The Chair notes the former Senator from Cumberland, Senator Dick Morrill. Senator Morrill's District is now represented by the Senator from Cumberland, Senator Clark, the Senate Majority Leader. Senator Morrill served two terms in the Senate. The Chair would ask if Dick Morrill would rise and please accept the greetings of the Senate.

The Chair is pleased to note the presence of former Senator Tom Perkins from Blue Hill, the District that is now served by the Senator from Hancock, Senator Foster. Senator Perkins served in the House for two terms, the 107th and the 108th. The 109th through the 114th served in the Senate and served as the Senate Minority Leader. The Chair would ask if Tom Perkins would please rise and accept the greetings of the Senate.

The Chair is pleased to recognize a former Senator from West Gardiner, Senator Chuck Dow, who served in the 111th, the 112th, 113th, and also served in the House from the 105th to the 109th. The Chair would ask if Chuck Dow would rise and accept the greetings of the Senate.

The Chair is pleased to recognize another former Presiding Officer of this Chamber, the Senator from Penobscot County, who has the record for the longest number of consecutive terms as Presiding Officer. He served for three terms from Brewer, an area that is now represented by the Senator from Penobscot, Senator Bost, the former Senate President, Ken MacLeod.

At this time, the Chair requested that the Sergeant-At-Arms escort the HONORABLE KENNETH P. MACLEOD, former President of the Senate, to the Rostrum. (Amid applause, the Members rising.)

HONORABLE KENNETH P. MACLEOD: President Pray. Members of the Senate. I had a real nice message for you this morning, but he says I can't do any lobbying from the Rostrum. But, I do believe in the tradition that when a Divided Report comes in and all three Senators are on one side or the other, I think it is wonderful when you support the three members of that Committee. I won't mention plastic bags, but I hope that the three Senators will be supportive when those Reports eventually come in the Senate, and any Report like that! I think that is going to cost me.

Good to be here, and I am looking forward to lunch. Being a former House member, they gave us our lunch tickets. Former Senators, if you don't know, are paying \$10. I have some for \$5.50. Thank you very much.

The Sergeant-At-Arms escorted the HONORABLE KENNETH P. MACLEOD from the Rostrum. (Amid applause, the Members rising.)

Off Record Remarks

SENATE PAPERS

Bill "An Act to Establish a Grading System for Maple Syrup Produced in the State" S.P. 663 L.D. 1739

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative SIMPSON of Casco,
Representative JACQUES of Waterville and
Representative TARDY of Palmyra

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Provide Compensation when
State Actions Diminish Property Values
S.P. 664 L.D. 1740

Presented by Senator **VOSE** of Washington
Cosponsored by Representative TOWNSEND of
Eastport, Representative LOOK of Jonesboro and
Representative FARREN of Cherryfield
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **ENERGY AND NATURAL RESOURCES** on
Bill "An Act to Permit Orderly Consideration of
Department of Environmental Protection Applications"
H.P. 1019 L.D. 1492

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 **LATER TODAY ASSIGNED FOR SECOND READING.**

The Committee on **FISHERIES AND WILDLIFE** on Bill
"An Act Regarding Deer Hunting Apparel Requirements"
H.P. 900 L.D. 1297

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 **LATER TODAY ASSIGNED FOR SECOND READING.**

The Committee on **UTILITIES** on Bill "An Act to Increase the Debt Limit of the Kingfield Water District from \$350,000 to \$2,000,000"

H.P. 828 L.D. 1194

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 **LATER TODAY ASSIGNED FOR SECOND READING.**

Ought to Pass As Amended

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine"

H.P. 503 L.D. 697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-177).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-177) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER TODAY ASSIGNED FOR SECOND READING.**

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Regarding Relicensure of Transfer Stations, Stump Dumps and Recycling Centers"

H.P. 285 L.D. 406

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER TODAY ASSIGNED FOR SECOND READING.**

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Require Repair of Septic Systems" (Emergency)

H.P. 504 L.D. 698

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-182).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-182).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-182) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER TODAY ASSIGNED FOR SECOND READING.**

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act Concerning Training and Certification for Land Use Code Enforcement Officers"

H.P. 595 L.D. 846

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-183).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-183) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **FISHERIES AND WILDLIFE** on Bill "An Act to Ensure More Equitable Hunting Opportunities"

H.P. 725 L.D. 1029

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (H-172).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-172) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Increase Funding to Programs Dealing with Domestic Violence"

H.P. 239 L.D. 330

Reported that the same **Ought to Pass as Amended** by Committee Amendment "B" (H-179).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-179)**.

Which Report was **READ**.

Senator **PEARSON** of Penobscot moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Bill to enact to increase funding for programs dealing with domestic violence. What it does, is that it increases the marriage license fee for people who are getting married, and dedicates that increase to domestic violence. That is my biggest objection.

I understand that there is violence within marriages. I understand that there are violences outside of marriages. I came from a family where there wasn't any violence in marriage. I just think that its wrong to associate violence with a marriage license. I just find it a terrible commentary to make upon the institution of marriage. I just don't think that it is the right thing to do. Irrespective of the need for money, to attach it to that institution, is something that is appalling to me. I can't even understand why it would be sponsored. The assumption in the Bill is, I think, if you are married, there is going to be violence. And I suppose that people will say no, that is not true. Than why attach it to that?

I know marriages are not perfect, a lot of them aren't. But, there a lot of them that are. It just bothers me a great deal to attach one to the other. I almost hesitate to go on and give other arguments, because I don't want to have other arguments diminish the one that I just gave you. Because even of itself, that is enough reason to say "no" to that Bill.

But there are other arguments. The Family Crisis money in the state, like any other program that we have now, is subject to a loss of revenue, given the economy that we have, because it relays upon money from the General Fund, as it should. The Governor has suggested in his Budget, as he has in every other program, that it be given its fair share of cuts. I don't want you to leave here thinking we don't give very much money to this problem, because we do. That is why in 1991, when you take and put together the General Fund and a small amount of Federal Funds, we have contributed to that program \$1,250,000. With the cuts, it would be just over a million dollars. Is that enough money for Family Crisis? Of course it isn't. Everybody knows that. We aren't putting enough money in a lot of programs that we do. But, I wanted you to feel at least comfortable with the thought that there is a substantial amount of money. Encoupled with that, much to the credit of the women in this state, there is a tremendous amount of volunteer work that is done, and probably, equal, or even surpassed the amount of money that we put into the program. I hope that will continue.

If we were to do this, that is, use this gimmick to raise money for our Family Crisis Bill, domestic violence, why not have all kinds of other little dedicated funds for all kinds of other projects in the state? I have had a number of calls, perhaps the rest of you have on this Bill. The word went out, "Pearson is shaking, so call him". So they called me. I told everyone that called, "If I can do anything else for you, if we can do anything else within the General Fund, if it is possible in the future, I am certainly not opposed to increasing funds for this".

But, I just simply feel that this is not the right thing to say, that a marriage license should be dedicated to domestic violence. I ask that you ask yourself that same question. I don't think it is, and I don't think the Bill should pass. Mr. President, I would ask for a Division.

Senator **PEARSON** of Penobscot requested a Division.

Senator **CLARK** of Cumberland moved to Table until Later in Today's Session, pending the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers. (Division Requested)

Senator **PEARSON** of Penobscot requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CLARK** of Cumberland to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

A Division has been requested.

Will all of those in favor of the motion by Senator **CLARK** of Cumberland to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending the motion by Senator **PEARSON** of Penobscot 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.

14 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **CLARK** of Cumberland to **TABLE UNTIL LATER IN TODAY'S SESSION**, pending the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Senate at Ease

Senate called to order by the President.

THE PRESIDENT: The Chair is pleased to recognize another former member of this Body, former Senator Carroll Minkowsky of Androscoggin. Senator Minkowsky served in the House in the 102nd and 103rd Legislature. He served in the Senate in the 104th, 105th, 106th, 108th, 109th, and 110th. The Chair would please ask the Senator to please rise and accept the greetings of the Senate.

The Committee on **JUDICIARY** on Bill "An Act Concerning Consent to Dental Care"
H.P. 60 L.D. 88

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-170)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-170) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **JUDICIARY** on Bill "An Act to Amend the State Law Library System"
H.P. 176 L.D. 261

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-173)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **JUDICIARY** on Bill "An Act to Amend the Domestic Relations Law"
H.P. 194 L.D. 285

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-171)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-171) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended**, **LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **JUDICIARY** on Bill "An Act Concerning the Role of Guardians Ad Litem and Other Children's Advocates"
H.P. 226 L.D. 317

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-169)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-169) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **JUDICIARY** on Bill "An Act Concerning the Judicial Review of Children in Custody of the Department of Human Services"

H.P. 614 L.D. 874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-174)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-174) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER TODAY ASSIGNED FOR SECOND READING**.

The Committee on **UTILITIES** on Bill "An Act to Protect the Health and Safety of Nuclear Waste Site Workers"

H.P. 287 L.D. 408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-180)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-180)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended, LATER TODAY ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Requiring the Governor-elect to Receive More than 50% of the Votes Duly Cast

H.P. 319 L.D. 449

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
SAVAGE of Union
WATERMAN of Buxton
NASH of Camden
LARRIVEE of Gorham
LOOK of Jonesboro

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-130)**

Signed:

Representatives:

GRAY of Sedgwick
HEESCHEN of Wilton
JOSEPH of Waterville

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

Which Reports were **READ**.

On motion by Senator **BERUBE** of Androscoggin, the Majority **UGHT 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 **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Lower the Minimum Age Requirement for Senators and Members of the House of Representatives

S.P. 193 L.D. 502

Reported by Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act Concerning Transfer of Development Rights"

S.P. 351 L.D. 953

Leave to Withdraw

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

Reported by Senator **CONLEY** for the Committee on **HUMAN RESOURCES** Bill "An Act to Provide Support for Community-based Residential Hospice Services"

S.P. 581 L.D. 1534

Ought to Pass

Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Certain Laws Affecting the Maine State Archives, Admissibility of Documents and Local Government Records"

S.P. 181 L.D. 490

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

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

The Bill **READ ONCE**.

The Bill **LATER TODAY ASSIGNED FOR SECOND READING**.

SECOND READERS

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

Senate

Bill "An Act to Amend the Provisions Regarding Prejudgment Interest"

S.P. 230 L.D. 584

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

S.P. 559 L.D. 1463

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Require Prompt Payment of Wages Due Upon Discharge for All Employees"

S.P. 220 L.D. 547
(C "A" S-98)

Bill "An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System"

S.P. 242 L.D. 646
(C "A" S-97)

Bill "An Act to Reduce Duplication at the Department of Human Services"

S.P. 247 L.D. 656
(C "A" S-103)

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
(C "A" S-102)

Resolve, to Name the Bridge Spanning the Little Madawaska River in Caribou the "B. Morrell Bridge"

S.P. 380 L.D. 1057
(C "A" S-96)

Bill "An Act to Ensure Voter Participation in the Siting of Both Storage and Disposal of Radioactive Waste"

S.P. 407 L.D. 1083
(C "A" S-100)

Bill "An Act to Increase the Probationary Period for Police Officers"

S.P. 413 L.D. 1127
(C "A" S-99)

Bill "An Act to Repeal Certain Redundant Laws Relating to the Bureau of Air Quality Control"

S.P. 425 L.D. 1137
(C "A" S-94)

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

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act Relating to Health Insurance"
S.P. 265 L.D. 742
(C "A" S-86)

Tabled - April 29, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, April 29, 1991, **READ A SECOND TIME.**)

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED.**

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Ice Fishing"
H.P. 485 L.D. 679
(C "A" H-132)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-132).**

Minority - **Ought Not to Pass.**

Tabled - April 30, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE** (Division Requested)

(In House, April 22, 1991, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, April 25, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)** in **NON-CONCURRENCE.**)

(In House, April 29, 1991, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**)

Senate at Ease

Senate called to order by the President..

THE PRESIDENT: The Chair is pleased to note a former member of this Chamber, former Senator Roger Snow. The Chair would ask Roger Snow to please rise and accept the greetings of the Senate.

The Chair also notes the attendance of former Senator R. Leon Williams, who served in the 93rd and the 94th. He served in the House in the 90th, 91st, and 92nd. The Chair would ask if Senator Williams would please rise and accept the greetings of the Senate.

The Chair would like to apologize to any former Senators that the Chair has failed to recognize that might be here in this Chamber.

Off Record Remarks

Senator **VOSE** of Washington was granted unanimous consent to address the Senate off the Record.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

On motion by Senator **CONLEY** of Cumberland, **RECESSED** until the 5:00 p.m. this afternoon.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Wrongful Death Laws"
H.P. 572 L.D. 823

In Senate, April 17, 1991, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-199)** in **NON-CONCURRENCE**.

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
S.P. 367 L.D. 969

In Senate, April 25, 1991, **PASSED TO BE ENGROSSED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84) AS AMENDED BY HOUSE AMENDMENT "A" (H-198)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BOST** of Penobscot, the Senate **RECEDED** and **CONCURRED**.

House Papers

Bill "An Act to Limit the Bond Indebtedness of the State"
H.P. 1188 L.D. 1741

Bill "An Act to Amend the Maine Rainy Day Fund"
H.P. 1189 L.D. 1742

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

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

Bill "An Act Concerning the Maine Student Incentive Scholarship Program" (Emergency)
H.P. 1192 L.D. 1745

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

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

Resolve, Providing for a Study to Determine Whether In-state Training Should Be Offered to Persons Involved in the Handling and Disposition of Hazardous Wastes (Emergency)
H.P. 1195 L.D. 1748

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

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

Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (Emergency)
H.P. 1190 L.D. 1743

Resolve, to Clarify a Right-of-way to Raymond H. Fickett over Property of the Department of Inland Fisheries and Wildlife
H.P. 1191 L.D. 1744

Bill "An Act to Establish a Budget Process for Sagadahoc County"
H.P. 1193 L.D. 1746

Bill "An Act Authorizing Changes to the Budget Process in York County"
H.P. 1196 L.D. 1749

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 Establish an Income Tax Surcharge" (Emergency)
H.P. 1194 L.D. 1747

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)
H.P. 1197 L.D. 1750

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.

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 **AGING, RETIREMENT AND VETERANS** Bill "An Act Concerning Retirement Benefits for Individuals Who Transfer Employment"
H.P. 523 L.D. 751

From the Committee on **BANKING AND INSURANCE** Bill "An Act Concerning Employee Benefits for Workers' Compensation Recipients"
H.P. 145 L.D. 215

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Amend the Workers' Compensation Laws to Encourage Safety in the Workplace"
H.P. 175 L.D. 260

From the Committee on **BANKING AND INSURANCE** Bill "An Act Concerning Workers' Compensation Self-insurance"
H.P. 585 L.D. 836

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Establish a Competitive Workers' Compensation Fund"
H.P. 616 L.D. 876

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Simplify the Payment of Minor Workers' Compensation Claims"
H.P. 732 L.D. 1036

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Expand the Financing Options of Self-insurers for Securing the Obligation to Pay Compensation and Benefits under the Workers' Compensation Act"
H.P. 935 L.D. 1355

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Create a State Insurance Fund"
H.P. 988 L.D. 1433

From the Joint Select Committee on **CORRECTIONS** Bill "An Act to Develop Additional Resources for Juvenile Corrections Clients"
H.P. 242 L.D. 333

From the Joint Select Committee on **CORRECTIONS** Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates
H.P. 336 L.D. 466

From the Committee on **EDUCATION** Bill "An Act to Increase the State's Percentage of School Funding"
H.P. 82 L.D. 110

From the Committee on **EDUCATION** Bill "An Act to Increase the Minimum State Allocation to School Units"
H.P. 863 L.D. 1243

From the Committee on **EDUCATION** Bill "An Act to Require a Driver Education Program Curriculum"
H.P. 984 L.D. 1429

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act Concerning Dredging within the Webhannet River Estuary"
H.P. 905 L.D. 1302

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Eliminate the Prohibition on Trapping within 200 Yards of a Dwelling"
H.P. 831 L.D. 1197

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Amend the Boundaries of the Back Bay Cove Sanctuary"
H.P. 974 L.D. 1417

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Amend the Hunting Laws on Westport Island"
H.P. 1001 L.D. 1469

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act Concerning the Use of Deer Killed by Farmers"
H.P. 1010 L.D. 1478

From the Committee on **JUDICIARY** Bill "An Act to Extend Confidential Status to Medical Data Assembled by Certain Health Care Providers"
H.P. 946 L.D. 1368

From the Committee on **LABOR** Bill "An Act to Encourage Safety in the Workplace"
H.P. 109 L.D. 152

From the Committee on **LABOR** Bill "An Act to Require the Expedient Resolution of Workers' Compensation Claims"
H.P. 117 L.D. 162

From the Committee on **LABOR** Bill "An Act to Increase the Death Benefits under the Workers' Compensation Act"

H.P. 125 L.D. 170

From the Committee on **LABOR** Bill "An Act to Impose Mandatory Fines for Failure to Comply with Workers' Compensation Decisions"

H.P. 128 L.D. 173

From the Committee on **LABOR** Bill "An Act to Exempt Certain Small Employers from the Workers' Compensation Act"

H.P. 183 L.D. 268

From the Committee on **LABOR** Bill "An Act to Clarify the Definition of "Average Weekly Wages, Earnings or Salary" in the Workers' Compensation Act"

H.P. 217 L.D. 308

From the Committee on **LABOR** Bill "An Act to Encourage Prompt Resolution of Workers' Compensation Cases"

H.P. 270 L.D. 390

From the Committee on **LABOR** Bill "An Act to Exempt Illegally Employed Minors from Worker's Compensation Coverage"

H.P. 297 L.D. 418

From the Committee on **LABOR** Bill "An Act to Clarify the Definition of Return to Suitable Employment in the Maine Workers' Compensation Act"

H.P. 498 L.D. 692

From the Committee on **LABOR** Bill "An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims"

H.P. 611 L.D. 871

From the Committee on **LABOR** Bill "An Act to Provide for Medical Cost Containment in Workers' Compensation"

H.P. 632 L.D. 902

From the Committee on **LABOR** Bill "An Act to Clarify the Burden of Proof in Workers' Compensation Cases Involving Issues Concerning the Search for Work"

H.P. 679 L.D. 978

From the Committee on **LABOR** Bill "An Act to Amend the Workers' Compensation Law"

H.P. 685 L.D. 984

From the Committee on **LABOR** Bill "An Act Clarifying Intoxication under the Workers' Compensation Law"

H.P. 713 L.D. 1018

From the Committee on **LABOR** Bill "An Act to Permit the Establishment of the Workers' Compensation Apportionment Arbitration Board"

H.P. 748 L.D. 1052

From the Committee on **LABOR** Bill "An Act to Encourage the Prompt Resolution of Workers' Compensation Claims"

H.P. 836 L.D. 1202

From the Committee on **LABOR** Bill "An Act Concerning the Resolution of Medical, Work-capacity and Return-to-work Issues and Procedures under the Workers' Compensation Act"

H.P. 877 L.D. 1263

From the Committee on **LABOR** Bill "An Act to Increase the Interest Paid on Workers' Compensation Awards"

H.P. 975 L.D. 1418

From the Committee on **LABOR** Bill "An Act to Reduce the Caseload of the Workers' Compensation Commission"

H.P. 997 L.D. 1446

From the Committee on **LABOR** Bill "An Act to Clarify Job Titles in the Workers' Compensation Act"

H.P. 999 L.D. 1467

From the Committee on **LABOR** Bill "An Act to Provide That Workers' Compensation Claims Are Work Related"

H.P. 1065 L.D. 1554

From the Committee on **LABOR** Bill "An Act to Improve the Maine Workers' Compensation System"

H.P. 1094 L.D. 1594

From the Committee on **TAXATION** Bill "An Act to Conform the Maine Tax Code to the Federal Tax Code with Respect to Amended Returns"

H.P. 804 L.D. 1158

From the Committee on **TAXATION** Bill "An Act to Suspend Certain Sales Tax Exemptions for One Year"

H.P. 806 L.D. 1160

From the Committee on **TAXATION** Bill "An Act to Clarify the Property Tax Exemption of Religious Institutions and Organizations"

H.P. 931 L.D. 1351

From the Committee on **TRANSPORTATION** Resolve, to Compensate Gary and Rebecca Hall for Damages Received as a Result of the Department of Transportation Construction

H.P. 674 L.D. 973

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 **AGING, RETIREMENT AND VETERANS** Resolve, to Provide a Retirement Benefit to Erma Painter
H.P. 991 L.D. 1440

SECOND READERS

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

House

Bill "An Act to Increase the Debt Limit of the Kingfield Water District from \$350,000 to \$2,000,000"
H.P. 828 L.D. 1194

Bill "An Act Regarding Deer Hunting Apparel Requirements"
H.P. 900 L.D. 1297

Bill "An Act to Permit Orderly Consideration of Department of Environmental Protection Applications"
H.P. 1019 L.D. 1492

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

House As Amended

Bill "An Act Concerning Consent to Dental Care"
H.P. 60 L.D. 88
(C "A" H-170)

Bill "An Act to Amend the State Law Library System"
H.P. 176 L.D. 261
(C "A" H-173)

Bill "An Act to Amend the Domestic Relations Law"
H.P. 194 L.D. 285
(C "A" H-171)

Bill "An Act Concerning the Role of Guardians Ad Litem and Other Children's Advocates"
H.P. 226 L.D. 317
(C "A" H-169)

Bill "An Act Regarding Relicensure of Transfer Stations, Stump Dumps and Recycling Centers"
H.P. 285 L.D. 406
(C "A" H-181)

Bill "An Act to Protect the Health and Safety of Nuclear Waste Site Workers"
H.P. 287 L.D. 408
(C "A" H-180)

Bill "An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine"
H.P. 503 L.D. 697
(C "A" H-177)

Bill "An Act to Require Repair of Septic Systems" (Emergency)
H.P. 504 L.D. 698
(C "A" H-182)

Bill "An Act Concerning Training and Certification for Land Use Code Enforcement Officers"
H.P. 595 L.D. 846
(C "A" H-183)

Bill "An Act Concerning the Judicial Review of Children in Custody of the Department of Human Services"
H.P. 614 L.D. 874
(C "A" H-174)

Bill "An Act to Ensure More Equitable Hunting Opportunities"
H.P. 725 L.D. 1029
(C "A" H-172)

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

Senate

Bill "An Act to Clarify Certain Laws Affecting the Maine State Archives, Admissibility of Documents and Local Government Records"
S.P. 181 L.D. 490

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

Sent down for concurrence.

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act Relating to the Maine Criminal Justice Commission"
H.P. 1186 L.D. 1729

Tabled - April 30, 1991, by Senator **CLARK** of Cumberland.

Pending - **REFERENCE**

(In House, April 29, 1991, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.)

On motion by Senator **CLARK** of Cumberland, referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **HUMAN RESOURCES** on Bill "An Act to Increase Funding to Programs Dealing with Domestic Violence"
H.P. 239 L.D. 330

Report - **Ought to Pass As Amended by Committee Amendment "B" (H-179)**

Tabled - April 30, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers (Division Requested)

(In House, April 29, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-179)**.)

(In Senate, April 30, 1991, Report **READ**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **PEARSON** of Penobscot to **INDEFINITELY POSTPONE** Bill and Accompanying Papers. (Division Requested)

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

Bill "An Act Relating to Health Insurance"
S.P. 265 L.D. 742
(C "A" S-86)

Tabled - April 30, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, April 29, 1991, **READ A SECOND TIME**.)

On motion by Senator **KANY** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-86).

On further motion by same Senator, Senate Amendment "A" (S-109) to Committee Amendment "A" (S-86) **READ**.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **KANY:** Thank you Mr. President. For an explanation, this amendment corrects the language applicable to the people covered by different types of health insurance, distinguishing subscribers, policy holders, certificate holders, and enrollees. The Committee Amendment inadvertently referred to them all as subscribers.

On further motion by same Senator, Senate Amendment "A" (S-109) to Committee Amendment "A" (S-86) **ADOPTED**.

Committee Amendment "A" (S-86) as amended by Senate Amendment "A" (S-109) thereto, **ADOPTED**.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **FISHERIES AND WILDLIFE** on Bill "An Act Concerning Ice Fishing"
H.P. 485 L.D. 679
(C "A" H-132)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-132)**.

Minority - **Ought Not to Pass**.

Tabled - April 30, 1991, by Senator **CLARK** of Cumberland.

Pending - Motion by Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE** (Division Requested)

(In House, April 22, 1991, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, April 25, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-132)** in **NON-CONCURRENCE**.)

(In House, April 29, 1991, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**)

THE PRESIDENT: The Chair recognizes the Senator from Webster of Franklin.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a Bill which we had before us earlier. What my concern is, and what it does, it establishes in law that we would only be allowed three ice fishing traps on any lake in the state. Our previous action in this Body was to enact this law, and send it on its way. My concern is, as the Senator representing Somerset County near Moose Head Lake, there seems to be some feeling that we have a Department which duty it is to make decisions on the management of our resources. There are some strong feelings that perhaps the Commissioner wanted to change the rules, that he could do that, and we ought to give him that flexibility. Rather than debate the issue at great length, I would like to ask you to agree the concept of a Committee of Conference, so that both sides could sit down and try to reach an agreement that would be acceptable to all of us. Thank you.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to remind the colleagues in this Body of the words spoken by a former President of the Senate, Ken MacLeod, and that is, when three Senators are on the same side of the Report, follow the Committee. All three of us are on the same side in favor of this Bill, and with all due respect to the Senator from Franklin, I understand his concerns, in supporting his constituents in Franklin and Somerset.

As Chairman of the Fisheries and Wildlife Committee, I have in the past voted against this issue. So, I have had some of the same concerns that the good Senator from Franklin, Senator Webster, has had. But, I think this time I have got to listen to not only more and more constituents that love the ability to go ice fishing, but also listen to the biologists that we entrust, that work for the Department of Fisheries and Wildlife, to protect the resource. I can tell you that there is more and more pressure on our cold water species fish, the lake trout, and tog, and salmon, and those important resources. More and more pressure. When we asked the Commissioner of Fisheries and Wildlife how the biologist felt about this issue, his comment to the Committee was, "It is about split fifty-fifty". Many biologists feel we ought to be putting a lower trap limit statute on the books. This particular provision will do that. The original Bill asked for two lines, this goes to three as a compromise. It gives the Department flexibility in the law to exceed the three lines to a maximum of five ice fishing trap lines, if the Department believes the fishing resource can stand it. This does not effect the warm water species of fish, the perch, and the bass, and those kinds of fish. It does not effect those lakes.

This is simply a resource protection Bill, and I think it is a modest one, and a good one in favor of the resource, and I would ask this Body to concur and

go along with this Committee, and three members of the Senate, and other members of the other Body, the Majority, in supporting this modest resource Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to bring to the Senate's attention, that there are several lakes in this state that are now actually closed, many more that have a limit of three, and a couple of cases you can only use two traps. Those lakes are in that position because of a decision made by the Commissioner, after thorough thought from his professional biologist.

Several years ago, a Legislator, a much better speaker than I, made some comment about the fact that we spent a lot of time debating fish and wildlife issues. And prior to my tender here, it is my understanding that we continue to give the Commissioner more power on these matters. I suggest that, perhaps, that is the way it should be, since they have more knowledge on these matters than we do. As a matter of fact, I can remember when I was youngster, a Legislator, talking about the length of a trout, and how we ought to put a Bill in to change that, and make it eight inches in brooks instead of six, or whatever. My point is, we don't have as much information on whether this is good public policy or not. So, I suggest we should leave it up the Commissioner who is empowered to make these decisions.

It seems to me, that it is not unreasonable that we ask to send this Bill to a Committee of Conference, since there is a definite disagreement among many people as to whether it is the kind of Bill that we want to pass. So, I would ask that you just follow my position, and vote to send this to a Committee of Conference. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

A Division has been requested.

Will all of those in favor of the motion by Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, please rise in their places and remain standing until counted.

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

8 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE**, **FAILED.**

On motion by Senator **MATTHEWS** of Kennebec, the Senate **ADHERED.**

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

ENACTORS

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

Emergency

An Act Regarding the Operation of the Superior Court

H.P. 158 L.D. 243
(C "A" H-127)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Regarding Court Deposits and Revenue Reporting

H.P. 169 L.D. 254
(C "A" H-144)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ENACTORS

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

Emergency

An Act to Increase Revenues to the General Fund by Streamlining Collection Methods for Use Taxes on Snowmobiles and All-terrain Vehicles Pursuant to the Maine Sunset Act

H.P. 283 L.D. 404

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

Emergency

An Act to Address Staffing Inequities Resulting from the Implementation of the Maine Financial and Administrative Statewide Information System Pursuant to the Maine Sunset Act

H.P. 772 L.D. 1104

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

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

ENACTORS

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

An Act Designed to Make the Use and Storage of Firearms Safer

H.P. 59 L.D. 87
(C "B" H-123)

An Act Concerning Nighttime Business Operation

H.P. 142 L.D. 212
(C "A" H-134)

An Act to Prescribe the Duties and Liabilities of Roller-skating Rink Operators and Persons Who Use Roller-skating Rinks

H.P. 182 L.D. 267
(C "A" H-133)

An Act to Clarify the Powers and Duties of the Department of Administration, through the Bureau of Purchases

H.P. 221 L.D. 312
(C "A" H-129)

An Act Concerning Destruction of Certain Court Records in Real Estate Matters

H.P. 355 L.D. 485
(C "A" H-143)

An Act Restricting the Use of the Names of Maine Banks on Credit Cards

H.P. 408 L.D. 591
(C "A" H-137)

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

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

ENACTORS

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

An Act to Clarify the Lien Rights of Water Utilities
 H.P. 464 L.D. 658
 (C "A" H-140)

An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies
 H.P. 465 L.D. 659
 (C "A" H-136)

An Act to Correct Language in the Laws Governing Intensive Supervision
 H.P. 545 L.D. 782
 (C "A" H-139)

An Act to Amend the Power of Sale Foreclosure Laws
 H.P. 555 L.D. 798
 (C "A" H-142)

An Act to Amend the Law Relating to Road Dust
 H.P. 564 L.D. 807
 (C "A" H-141)

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 Relating to the Definition of Gross Sexual Assault under the Maine Criminal Code
 S.P. 274 L.D. 733
 (C "A" S-71)

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

An Act to Permit Students to Take Tests for Credit for Certain Classes
 H.P. 556 L.D. 799
 (C "A" H-115)

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

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

ENACTORS

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

An Act to Amend Maine's Antitrust Laws
 H.P. 566 L.D. 809
 (C "A" H-126)

An Act to Clarify the Certification of Correspondence Schools
 S.P. 340 L.D. 930
 (C "A" S-72)

An Act to Alter the Mandate of the Maine Low-level Radioactive Waste Authority to Include Reduction of Low-level Radioactive Waste
 H.P. 722 L.D. 1026
 (C "A" H-128)

An Act to Require Casualty Insurers to Provide an Annual Valuation of Loss Reserves
 H.P. 786 L.D. 1118
 (C "A" H-138)

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

Off Record Remarks

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

Off Record Remarks

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

Senator **GAUVREAU**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I wish to address this Body this evening with respect to the recently enacted Joint Rule, which would accord the Ought Not To Pass status to any Bills which in lew of Leave to Withdraw. That is on Bills which did not receive a favorable recommendation by Committees of jurisdiction.

As you are aware, when this Body accords, or takes action to Ought Not To Pass a Bill, that has a distinct legal significance. That is a source of concern to me. As you know, I am the Senate Chair of

the Joint Standing Committee on Judiciary, and my construction of the recently adopted Joint Rule had been that, in fact, been referred to Committee, and had been heard prior to the effective date of the Joint Order, that the Joint Order would not relate back to Bills which the Committee felt should be given Leave to Withdraw. A concern that I have, is persons can interpret a vote or a ruling Ought Not To Pass, to have certain legal significance, and by a negative implication or interpretation, the Maine Legislature views unfavorable action on a certain Bill. Now, in fact, that may well be the case. The Committee may, in fact, decide that the Bill does deserve a Report Ought Not To Pass. On the other hand, as frequently occurs to Committees late in session, we may simply run out of time, and not have an opportunity to fairly address the issues which our given Bill presents. It would be most unfortunate if a Report out of a Committee was interpreted or construed to provide a negative implication to a certain Bill, when, in fact, the intent of the Committee was to the contrary. I am not sure how we resolve this problem. But, speaking to you as a practicing attorney, that is a major concern.

I understand the dilemma of the Legislature, and our interest in expeditiously passing out legislation. But, I have a concern this evening, that in our quest to promptly conclude our legislative affairs, we may well be establishing a legal trail, inadvertently no doubt, that some people can use to establish an intent of the Maine Legislature, when, in fact, there was no intent in the first place.

So, I really have major reservations about the recently adopted Joint Order, and our Committee on Judiciary has approximately eighty-five Bills left in Committee. There are many Bills which we think for policy reasons we do not want to make a statement of intent this particular legislative year. But, as I understand the Joint Order, any Bills not receiving favorable recommendation or being carried over, will, in fact, have to be reported out Ought Not To Pass. I believe that was the most unfortunate consequence. Thank you Mr. President.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **BOST** of Penobscot, **ADJOURNED** until Wednesday, May 1, 1991, at 10:00 in the morning.