

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
May 20, 1991

Senate called to Order by the President.

Prayer by Reverend Ronald Fast of the First Assembly of God Church in Fryeburg.

REVEREND RONALD FAST: First of all, I urge you that petitions, prayers in their sessions, and thanksgivings be offered for all men, especially for Kings and those in authority, that we may be able to lead undisturbed and tranquil lives in perfect dignity. A prayer of this kind is good, and God, our Savior, is pleased with it, for He wants all men to be saved and come to know the truth. Before I pray, I would just like to preface my prayer with just a few remarks to set the tone. Reading the newspapers, and according to the media, you have had a very interesting year, and definitely need prayer. I sympathize with you, because I, as a Pastor, live in a fish bowl as well, and so my sympathies are with you. I will make you a deal, I will believe about half of what I read about you, and you believe about half about what you read about Pastors and Clergy. As a matter of fact, I believe my policy is to believe the good half, because we all know that they wouldn't print it unless it was absolutely true. There is one passage in the Bible that even an atheist is ready to believe in these particular times, and that is, that the love of money is the root of all sorts of trouble, and especially, when there isn't enough of it. I want to pray and thank the Lord for you and your personal sacrifices for our state. I want to pray and thank the Lord for the sacrifices that you and your families make, those hours of separation and loneliness that you and your families make, the heartaches, the disappointments, the heartburns, the worry, the concern, the conflict necessary to make our form of government work. The sleepless nights, the long hours of just hard work and boredom. In other words, the things that most people don't know about that you do. The pain of criticism and being misunderstood and misquoted. And I want to thank the Lord for you, and for your predecessors, for making Maine the best State in the Union in which to live. It happens at a price that I want to thank you for bearing, and being willing to pay. So, let us pray. Heavenly Father, Your word tells us to pray for those in government and authority, so I come now to hold up to You in prayer these fine men and women who serve us so sacrificially. I pray for their families, and their friends, and their loved ones. I thank You for their gifts, abilities, talents, wisdom, and love, and sense of responsibility as servants of we the people of Maine. I pray, Father, that each one of us will show our love for them and our appreciation for their sacrifices. I pray, Father, that You would be with them during those times of loneliness and

discouragement. I pray You give them wisdom when their wisdom fails, and give them Thy strength when they are weak. Show them Thy love when they think no one else cares. Bless their families and their loved ones at home, Father. Protect them, provide and guide them. And I pray especially for those here today whose wife, or husband, or child, or dear one, or family member may be ill, or some other trial or tribulation taking place in their family, yet duty calls them to be here. I pray for those relationships that are feeling the strain of their service. I pray for the businesses and the jobs that suffer because of their absence. And I thank You, Father, for the privilege of being here, today, with these Senators of our great State of Maine. I thank You personally, Father, for each and everyone of them, and the privilege of being here on this day. I pray especially for the President of this Senate. Thank You for granting him wisdom as he leads them in Jesus name. Amen.

Reading of the Journal of Thursday, May 16, 1991.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Provide an Expedited Process for the Commencement of Paternity Actions"
S.P. 310 L.D. 819
(C "A" S-87)

In Senate, April 29, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-87) AND HOUSE AMENDMENT "A" (H-340) in NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Encourage Recycling of Waste Oil"
H.P. 658 L.D. 937
(C "A" H-191)

In Senate, May 7, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191), in concurrence.**

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191) AND HOUSE AMENDMENT "A" (H-309) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Amend and Add to Certain Provisions of Geographic-based Information Services" H.P. 743 L.D. 1047

In Senate, April 24, 1991, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-335) in NON-CONCURRENCE.

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

Non-concurrent Matter

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)

In Senate, April 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100) AS AMENDED BY HOUSE AMENDMENT "B" (H-308) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Notify the Probation Officer and the Probationer When a Motion Is Filed to Terminate Probation at a Time Earlier Than That Provided for in the Sentence"

H.P. 878 L.D. 1269
(C "A" H-207)

In Senate, May 8, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207) AS AMENDED BY HOUSE AMENDMENT "A" (H-337) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

115TH MAINE LEGISLATURE

May 16, 1991

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

Dear Madam Secretary:

Pursuant to our authority under Chapter 139 of the Public Laws of 1991 we have appointed Roger Hare of W. Buxton, David Flanagan of Freeport, Charlene Kinnelly of Gardiner, James Howaniec of Lewiston, and Ed Laverty of Orono to the Special Commission on Governmental Restructuring.

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

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Major Improvements and Renovations at State Park Facilities and the Restoration and Preservation of Historic Buildings"

S.P. 705 L.D. 1876

Presented by Senator FOSTER of Hancock
Cosponsored by Senator GOULD of Waldo and Representative MAYO of Thomaston

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

Sent down for concurrence.

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

Sent down for concurrence.

Bill "An Act to Amend the Maine Consumer Credit Code"

S.P. 708 L.D. 1884

Presented by Senator **THERIAULT** of Aroostook
Cosponsored by Representative **ERWIN** of Rumford
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act Regarding Liquor Procurement by the State"

S.P. 707 L.D. 1883

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

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

Sent down for concurrence.

Bill "An Act to Amend and Extend the Fuel Assistance Reserve Fund"

S.P. 703 L.D. 1874

Presented by Senator **LUDWIG** of Aroostook
Cosponsored by Senator **FOSTER** of Hancock
Submitted by the Executive Department, Division
of Community Services pursuant to Joint Rule 24.

Which was referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

**Pursuant to the Statutes
COMMITTEE ON AUDIT AND PROGRAM REVIEW**

Senator **BUSTIN** for the Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3, Chapter 33, ask leave to submit its findings and to report that the accompanying Bill "An Act to Relocate Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety Pursuant to the Maine Sunset Act"

S.P. 709 L.D. 1890

Bill "An Act to Clarify the Role of Guardians Ad Litem and Visitors in Guardianship and Conservatorship Cases"

S.P. 704 L.D. 1875

Presented by Senator **HOLLOWAY** of Lincoln
Cosponsored by Senator **GAUVREAU** of Androscoggin,
Representative **KUTASI** of Bridgton and
Representative **SIMONDS** of Cape Elizabeth
Submitted by the Department of Human Services
pursuant to Joint Rule 24.

Be referred to the Joint Standing Committee on **AUDIT AND PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **AUDIT AND PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

(See Action Later Today)

Bill "An Act Concerning Limitations on Actions for Penalties"

S.P. 706 L.D. 1881

Presented by Senator **CLARK** of Cumberland
Cosponsored by Senator **GAUVREAU** of Androscoggin
and Representative **STEVENS** of Bangor
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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 to Require 10 Years of State Service for Retirees to be Eligible for Paid Health Insurance"

H.P. 308 L.D. 438

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Increase the Balance in the Maine Rainy Day Fund" (Emergency)

H.P. 510 L.D. 704

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act Relating to Funds Appropriated for Capital Projects"

H.P. 700 L.D. 1004

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" (Emergency)

H.P. 1137 L.D. 1662

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Amend the Maine Rainy Day Fund"

H.P. 1189 L.D. 1742

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Repeal the Exemptions for Consumer and Antitrust Laws as They Apply to the Banking Industry"

H.P. 1108 L.D. 1633

From the Committee on **BANKING AND INSURANCE** Bill "An Act to Exclude Certain Procedures from the Managed Care Program"

H.P. 1127 L.D. 1652

From the Committee on **BANKING AND INSURANCE** Bill "An Act Concerning Insurance Reimbursement for First Assistants in Surgery"

H.P. 1143 L.D. 1668

From the Committee on **BANKING AND INSURANCE** Bill "An Act Relating to Insurance Trade Practices"

H.P. 1160 L.D. 1701

From the Committee on **BUSINESS LEGISLATION** Bill "An Act to Establish Licensure of Manufactured Housing Installers" (Emergency)

H.P. 1130 L.D. 1655

From the Committee on **EDUCATION** Resolve, to Create the Task Force on Life-long Learning and Educational Choice

H.P. 1069 L.D. 1558

From the Committee on **EDUCATION** Bill "An Act to Provide a Percent for Art Program Waiver"

H.P. 1128 L.D. 1653

From the Committee on **EDUCATION** Resolve, to Establish Minimum Graduation Requirements for High School Students

H.P. 1153 L.D. 1694

From the Committee on **EDUCATION** Bill "An Act to Protect the Rights of Parents and Guardians"

H.P. 1173 L.D. 1714

From the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Authorize the Adoption of Permit-by-rule Procedures for Certain Activities in Class 3 Wetlands" (Emergency)

H.P. 1096 L.D. 1595

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Provide Antlerless Deer Permits to Persons Who Are Disabled Who Hold Valid Hunting Licenses"

H.P. 1114 L.D. 1639

From the Committee on **FISHERIES AND WILDLIFE** Bill "An Act to Amend the Laws Concerning Hunting on Private Property"

H.P. 1141 L.D. 1666

From the Committee on **HUMAN RESOURCES** Bill "An Act to Provide Tuition Assistance for Persons Seeking a Master's Degree in Social Work"

H.P. 1044 L.D. 1517

From the Committee on **HUMAN RESOURCES** Bill "An Act to Ensure Payment of Reasonable Costs of Operating Community-based Facilities for the Mentally Retarded" (Emergency)

H.P. 1240 L.D. 1806

From the Committee on **HUMAN RESOURCES** Bill "An Act to Establish the Maine Human Development Foundation" (Emergency)

H.P. 1266 L.D. 1835

From the Committee on **LEGAL AFFAIRS** Bill "An Act Regarding Proceeds of Games of Chance"

H.P. 1076 L.D. 1570

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Require Bottle Clubs and Licensees for the Sale of Liquor to Post a Notice Informing the Public of the Presence of a Person Employed to Preserve the Peace"

H.P. 1085 L.D. 1585

From the Committee on **LEGAL AFFAIRS** Bill "An Act to Limit the Cost and the Length of Campaigns" (Emergency)

H.P. 1103 L.D. 1602

From the Committee on **STATE AND LOCAL GOVERNMENT RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require That Local Units of Government Be Reimbursed for the Costs Incurred in Executing State-mandated Programs

H.P. 188 L.D. 281

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Amend the Laws Relating to Rulemaking"

H.P. 505 L.D. 699

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Assist Water Utilities in the Provision of Safe Drinking Water"

H.P. 692 L.D. 991

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Improve the Efficiency of County Government"

H.P. 918 L.D. 1315

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Provide for a Decennial Commission on Maine's Future"

H.P. 1068 L.D. 1557

From the Committee on **STATE AND LOCAL GOVERNMENT** Resolve, to Create the Commission to Evaluate the Need for Changes in the Responsibilities of State, County and Local Government for the 21st Century

H.P. 1070 L.D. 1559

From the Committee on **STATE AND LOCAL GOVERNMENT** Bill "An Act to Institutionalize Strategic Planning in State Government"

H.P. 1071 L.D. 1560

From the Committee on **TRANSPORTATION** Bill "An Act Concerning Traffic Control for Road Construction Projects"

H.P. 48 L.D. 68

From the Committee on **TRANSPORTATION** An Act to Deauthorize the Widening of the Maine Turnpike and to Create a Sensible Transportation Policy

I.B. 1 L.D. 719

From the Committee on **TRANSPORTATION** Bill "An Act to Amend the Laws That Govern Stopping for Certain Approaching Animals"

H.P. 796 L.D. 1142

From the Committee on **TRANSPORTATION** Bill "An Act to Clarify Vehicle Registration Laws"

H.P. 861 L.D. 1241

Leave to Withdraw

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

From the Committee on **BUSINESS LEGISLATION** Bill "An Act to Prohibit Unfair Sale Practices by Rent-to-own Businesses"

H.P. 1176 L.D. 1717

From the Committee on **ENERGY AND NATURAL RESOURCES** 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

From the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** Bill "An Act to Provide Equitable Funding Mechanisms for Regional Planning Commissions"

H.P. 1200 L.D. 1756

From the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** Bill "An Act to Appropriate Funds to the Maine Council on Economic Education"

H.P. 1214 L.D. 1772

Ought to Pass

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Include Land Surveyors in the Lien Laws"

H.P. 1036 L.D. 1509

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

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

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

The Bill **READ ONCE**.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Improve the Disbursement of Funds for Municipal Roads"

H.P. 487 L.D. 681

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

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

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

The Bill **READ ONCE**.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Improve the Level of Services Provided by the Bureau of Public Improvements on Capital Improvement Projects"

H.P. 728 L.D. 1032

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-310)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-310) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **EDUCATION** on Bill "An Act to Increase the Availability of Sign Language Training"

H.P. 661 L.D. 940

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-291)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-291) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act Concerning the Lease or Lease-purchase of School Bus Garage and Maintenance Facilities and School Administrative Office Space"

H.P. 690 L.D. 989

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-292)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-292) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Reclassify Spenser Stream"

H.P. 307 L.D. 437

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-301)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Clarify Provisions Relating to Pharmacies"

H.P. 432 L.D. 615

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-290)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-290)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-290) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Maine Commission on Legal Needs"

H.P. 837 L.D. 1203

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-287)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-287) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Broaden the Crimes of Criminal Mischief and Aggravated Criminal Mischief"

H.P. 854 L.D. 1220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-288)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-288) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent"
H.P. 910 L.D. 1307

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-289)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-289)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-289) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Improve the Disbursement of Wages to Municipal Employees"

H.P. 538 L.D. 775

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-299)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-299) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify the Laws Relating to the Election or Appointment of Assessors"

H.P. 548 L.D. 785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-297)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-297) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Information to Persons Voting on Municipally Bonded Indebtedness Proposals"
H.P. 565 L.D. 808

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-298)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-298) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing the Office of Information Services and the Information Services Policy Board"
H.P. 737 L.D. 1041

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Training Costs of Police Officers"
H.P. 890 L.D. 1287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-303)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-303) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee Report on **AUDIT AND PROGRAM REVIEW**:

Bill "An Act to Relocate Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety Pursuant to the Maine Sunset Act"
S.P. 709 L.D. 1890

On further motion by same Senator, Tabled 1 Legislative Day, pending **REFERENCE**.

Off Record Remarks

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy"
H.P. 486 L.D. 680

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-224)**

Signed:

Senators:

GAUVREAU of Androscoggin
BERUBE of Androscoggin

Representatives:

CATHCART of Orono
RICHARDS of Hampden
FARNSWORTH of Hallowell
ANTHONY of South Portland
PARADIS of Augusta
STEVENS of Bangor
COTE of Auburn
KETTERER of Madison

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

Signed:

Senator:

HOLLOWAY of Lincoln

Representatives:

HANLEY of Paris
OTT of York

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**.

Which Reports were **READ**.

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

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 **KANY** for the Committee on **BANKING AND INSURANCE** Bill "An Act to Reduce the Health Care Cost Burden on Maine Consumers and Taxpayers"
S.P. 666 L.D. 1752

Reported by Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** Bill "An Act to Guarantee Repairs under Service Contracts"
S.P. 589 L.D. 1561

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 **GOULD** for the Committee on **TRANSPORTATION** Bill "An Act Concerning Work-restricted Licenses"
S.P. 532 L.D. 1415

Reported by Senator **GOULD** for the Committee on **TRANSPORTATION** Bill "An Act Concerning Radar Devices"
S.P. 582 L.D. 1535

Ought to Pass

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Concerning Reauthorization of the \$12,000,000 Bond Issue for Sewer Treatment Facilities (Emergency)
S.P. 586 L.D. 1539

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

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

The Resolve **READ ONCE**.

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

Ought to Pass As Amended

Senator **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members (Emergency)
S.P. 288 L.D. 770

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

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-171) **READ** and **ADOPTED**.

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

Senator **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Permit Earlier Repayment of Contributions to the Maine State Retirement System"
S.P. 359 L.D. 961

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-172) **READ** and **ADOPTED**.

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

Senator **CLARK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act Relating to Retirement Service Credits for Former Workers' Compensation Commissioners Who Became Judges before December 1, 1984"

S.P. 553 L.D. 1457

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-170) **READ** and **ADOPTED**.

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

Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Motor Vehicle Dealer Manufacturer Laws"

S.P. 459 L.D. 1235

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-175)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-175) **READ** and **ADOPTED**.

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

Senator **BALDACCI** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend Various Provisions of the Electricians' Examining Board Laws"

S.P. 503 L.D. 1341

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-176)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-176) **READ** and **ADOPTED**.

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

Senator **BUSTIN** for the Joint Select Committee on **CORRECTIONS** on Bill "An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A"

S.P. 569 L.D. 1489

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

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

Senator **CLEVELAND** for the Committee on **UTILITIES** on Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (Emergency)

S.P. 319 L.D. 857

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-174) **READ** and **ADOPTED**.

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

Senator **CLEVELAND** for the Committee on **UTILITIES** on Resolve, Authorizing the Conveyance of a Utility Easement to the City of Belfast

S.P. 659 L.D. 1735

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

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-173) **READ** and **ADOPTED**.

The Resolve 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 Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A"

H.P. 1053 L.D. 1542

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

House As Amended

Bill "An Act to Establish a Statewide Area Health Education Centers System"

H.P. 112 L.D. 155
(H "A" H-311 to C "A" H-253)

Bill "An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices" (Emergency)

H.P. 591 L.D. 842
(C "A" H-205)

Bill "An Act to Encourage the Development of Air Transportation Service to Small Communities"

H.P. 602 L.D. 862
(C "A" H-269)

Bill "An Act to Amend Certain Commercial Motor Vehicle Laws"

H.P. 636 L.D. 906
(C "A" H-268)

Bill "An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements"

H.P. 688 L.D. 987
(C "A" H-280)

Resolve, To Require the Department of Human Services to Inform Certain Persons of their Rights

H.P. 776 L.D. 1108
(C "A" H-278)

Bill "An Act to Amend the Maine Consumer Credit Code"

H.P. 829 L.D. 1195
(C "A" H-282)

Bill "An Act to Clarify the Landlord's Handling of Abandoned Property"

H.P. 873 L.D. 1259
(C "A" H-274)

Bill "An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State"

H.P. 875 L.D. 1261
(C "A" H-273)

Bill "An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters"

H.P. 893 L.D. 1290
(C "A" H-267)

Bill "An Act to Improve the Smoke Detector Laws"

H.P. 897 L.D. 1294
(C "A" H-275)

Bill "An Act to Revise the Law Protecting Farmers' Rights to Farm"

H.P. 920 L.D. 1317
(C "A" H-270)

Bill "An Act to Increase the Fees for Dog Licenses"

H.P. 932 L.D. 1352
(C "A" H-272)

Bill "An Act to Make Maine Milk Laws Conform to Federal Laws"

H.P. 1060 L.D. 1549
(C "A" H-271)

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

Bill "An Act to Amend the Law Concerning Family Medical Leave"

H.P. 75 L.D. 103
(S "A" S-166 to C "A" H-254)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act Concerning Federal and Other Special Revenue Funds in Maine State Government"
S.P. 685 L.D. 1819

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

Sent down for concurrence.

Bill "An Act Relating to the Jail Operations Surcharge Fund"

S.P. 612 L.D. 1616
(C "A" S-163)

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Allow Relicensing of an Existing Biomedical Waste Facility" (Emergency)
S.P. 15 L.D. 3
(C "A" S-162)

Bill "An Act to Amend the Severance Pay Laws" (Emergency)

S.P. 84 L.D. 157
(C "A" S-159)

Bill "An Act to Amend the Unclaimed Property Act"
S.P. 117 L.D. 216
(C "A" S-155)

Bill "An Act to Ensure Community Participation in Substance Abuse Programs and Planning"
S.P. 237 L.D. 628
(C "A" S-154)

Bill "An Act Concerning the Sales and Use Tax on Aircraft Parts"
S.P. 375 L.D. 1009
(C "A" S-160)

Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage"
S.P. 396 L.D. 1072
(C "A" S-161)

Bill "An Act to Clarify the Tax Status of Nonprofit Hospitals, Nursing Homes and Boarding Homes"
S.P. 433 L.D. 1154
(C "A" S-168)

Bill "An Act to Provide Confidentiality for the Records of Individuals Who Receive Funds from a Community Development Program Created Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205"
S.P. 527 L.D. 1405
(C "A" S-157)

ENACTORS

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

An Act to Increase Public Awareness of the Availability of Living Wills

H.P. 201 L.D. 292
(C "A" H-226)

An Act to Improve Transportation Energy Efficiency

H.P. 203 L.D. 294
(C "A" H-235)

An Act to Make the Wild Blueberry the Official State Berry

H.P. 291 L.D. 412
(C "A" H-236)

An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure

H.P. 324 L.D. 454
(C "A" H-215)

An Act to Provide for Safer Hunting of Deer During the Firearms Season

H.P. 347 L.D. 477

An Act to Improve the Collection of Data by the State Bureau of Identification

H.P. 429 L.D. 612
(C "A" H-223)

An Act to Establish a Budget Advisory Committee in Oxford County

H.P. 433 L.D. 616
(C "A" H-234)

An Act to Restructure Boards of Assessment Review

H.P. 478 L.D. 672

An Act to Regulate the Construction of Chimneys and Fireplaces and to Amend the Oil and Solid Fuel Laws

H.P. 480 L.D. 674
(C "A" H-231)

An Act Relating to Health Insurance
S.P. 265 L.D. 742
(S "A" S-109 to C
"A" S-86)

An Act to Clarify the Scope of Review Obtainable
by the State When the Defendant Has Appealed to the
Law Court in a Criminal Case
H.P. 1035 L.D. 1508

An Act to Improve the Administration of Municipal
Accounts
H.P. 518 L.D. 746
(C "A" H-206)

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

An Act to Facilitate Municipal Review of
Commercial Hazardous Waste License Applications and
the Collection of Municipal Fees Levied on Commercial
Hazardous Waste Facilities
H.P. 590 L.D. 841
(C "A" H-217)

An Act to Amend the Campaign Finance Reporting
Laws
H.P. 375 L.D. 529
(C "A" H-233)

An Act to Authorize Recovery of Certain
Collection Costs
H.P. 643 L.D. 917
(C "A" H-239)

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

An Act to Disseminate More Rapidly Information
Concerning Missing Children
H.P. 797 L.D. 1143

An Act to Provide Operating Funds for the Casco
Bay Island Transit District
H.P. 543 L.D. 780
(C "A" H-208)

An Act Relating to the Sale of Business
Opportunities
H.P. 840 L.D. 1206
(H "A" H-211)

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

An Act to Prohibit the Sale of Individual
Specific Disease Health Insurance Providing Minimal
Benefits
H.P. 869 L.D. 1255
(C "A" H-237)

An Act to Permit Maine School Administrative
District Number 53 to Apply for State School
Construction Aid for a Building to be Operated in
Conjunction with Maine Central Institute
H.P. 857 L.D. 1223
(C "A" H-232)

An Act to Clarify Regulation of Private Label
Credit Cards
H.P. 895 L.D. 1292
(C "A" H-238)

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

An Act to Clarify the Time for Taking an Appeal
from the Juvenile Court to the Superior Court
H.P. 898 L.D. 1295
(C "A" H-227)

An Act to Clarify Municipal Authority in
Regulating Activities on Local Water Bodies
Concerning Fishing or Ice Fishing
H.P. 899 L.D. 1296
(C "A" H-222)

Emergency

An Act to Amend the Natural Resources Protection
Laws
H.P. 398 L.D. 572
(C "A" H-216)

An Act to Provide Certain Municipalities with an
Exception to the Waste Facility Siting Laws
H.P. 973 L.D. 1414
(C "A" H-213)

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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 Relating to the Use of Material-separated, Refuse-derived Fuel

H.P. 439 L.D. 622
(C "A" H-214)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers

H.P. 440 L.D. 623
(H "A" H-262 to C
"A" H-146)

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

Emergency

An Act to Require State Review of Chemical Spill Clean-up Plans

H.P. 537 L.D. 724
(C "A" H-219)

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

Emergency

An Act to Reduce Marine Pollution

H.P. 594 L.D. 845
(H "A" H-263 to C
"A" H-162; C "A"
H-162)

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

Emergency

An Act to Provide that General Assistance Payments be Made in Vouchers and in Greater Compliance with General Assistance Laws

H.P. 842 L.D. 1208
(C "A" H-220)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senators having voted in the 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.

ORDERS OF THE DAY

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

Bill "An Act Concerning Teacher Employment"

S.P. 500 L.D. 1338
(C "A" S-147)

Tabled - May 16, 1991, by Senator CLARK of Cumberland.

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

(In Senate, May 16, 1991, **READ A SECOND TIME.**)

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

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

Bill "An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision"
H.P. 407 L.D. 590

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

Pending - **ADOPTION** of Committee Amendment "A" (H-257), in concurrence

(In Senate, May 13, 1991, Committee Amendment "A" (H-257) **READ.**)

(In House, May 9, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257).**)

Committee Amendment "A" (H-257) **ADOPTED**, in concurrence.

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

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

HOUSE REPORT - from the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Reduce Littering"
H.P. 909 L.D. 1306

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-255).**

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

Pending - **ACCEPTANCE** of the Committee Report, in concurrence

(In Senate, May 13, 1991, Report **READ.**)

(In House, May 9, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255).**)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Committee Report, in concurrence.

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

Bill "An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System"
H.P. 1084 L.D. 1578

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

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

(In Senate, May 13, 1991, **READ A SECOND TIME.**)

(In House, May 8, 1991, **PASSED TO BE ENGROSSED.**)

Which was **PASSED TO BE ENGROSSED**, in concurrence.

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

Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws"
S.P. 443 L.D. 1187

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

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, May 8, 1991, **READ A SECOND TIME.**)

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Codify the Rules of Maine"
H.P. 1 L.D. 1

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

Minority - **Ought Not to Pass.**

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

Pending - Motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In Senate, May 13, 1991, Reports **READ**. **ACCEPTANCE** of Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.)

(In House, May 8, 1991, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195) AS AMENDED BY HOUSE AMENDMENT "A" (H-200)** thereto.)

Senator **BERUBE** of Androscoggin requested a Division.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge my fellow Senators to vote against the motion to pass the Minority Report. I would remind you that the Committee Report was a 12 to 1 Ought To Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

A Division has been requested.

Will all those in favor of the motion by Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** please rise in their places and remain standing until counted.

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

11 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator **WEBSTER** of Franklin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **FAILED**.

On motion by Senator **CLARK** of Cumberland, the Senate **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-195) **READ**.

House Amendment "A" (H-200) to Committee Amendment "A" (H-195) **READ** and **ADOPTED**.

Committee Amendment "A" (H-195) as Amended by House Amendment "A" (H-200) thereto, **ADOPTED**, in concurrence.

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

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

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension" H.P. 71 L.D. 99

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

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

Pending - **ACCEPTANCE** of Committee Report, in concurrence

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

(In House, May 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.)

On motion by Senator **CLARK** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Committee Report, in concurrence.

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

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act Relating to the Restoration of Drivers' Licenses" H.P. 447 L.D. 637

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

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

Pending - **ACCEPTANCE** of Committee Report, in concurrence

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

(In House May 13, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**.)

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to oppose what I believe to be legislation which weakens our Public Safety Laws and our Drunk Driving Laws. I have no illusion that because this got a unanimous Report out of Committee, that my speaking on this issue will not turn it over. But, I do think that I need to let you know that I believe that L.D. 637 is inherently unfair. L.D. 637 says, "If you are not convicted of drunk driving, you do not have to attend DEEP". On the surface it seems quite logical. But, given additional consideration, I believe that it will

create a system for people who can afford lawyers, they can escape DEEP, and those who can't, and who are honest and plead guilty, can't escape.

To be taken to court and charged with an OUI offense, one of two things has to occur. Either you have failed a blood alcohol test, or you have refused a blood alcohol test. Refusal results in automatic suspension. A BOC of .08 or more results in an OUI charge. However, some people contest that their OUI charges, and in some courts, their blood alcohol level has become something which can be plea bargained. For example, the OUI offender can plead to another charge, such as reckless endangerment, or driving to endanger, and the OUI is then dropped. Under current law, anyone in Maine who is arrested for OUI, and has a blood alcohol content of .08 or higher, has to attend DEEP. If they are not convicted, for example, they plead a different charge. They still have to go to DEEP because of the blood alcohol count. If L.D. 637 passes, those who successfully plead their blood alcohol level away, will not have to attend DEEP. This will mean that some drunk drivers go immediately back on the road, because some will plea bargain to reckless endangerment, or some nonalcohol related driving offense, and they will be back on the road. Those who cannot afford a lawyer, or do not hire a lawyer, will go to DEEP.

I believe that this is a bad Bill. I believe that this Bill goes against what this Legislature has been trying to do for years, be tough on drunk drivers, and see that they get some education about drinking and driving. I believe that we have established a system that takes a look at those who drink and drive. A system which treats drunk drivers the same, and offers them some education, and makes an assessment of their livelihood to drive drunk again. I don't believe that L.D. 637 makes a change in our OUI laws, which is good. I do not believe that some people, i.e., those capable of affording legal representation, should be treated differently than others, nor do I believe that some drunk drivers should be exempted from DEEP.

This is not to say that I do not believe that we shouldn't take a good look at our Drunk Driving Laws, and at our DEEP requirements. A look is needed, and that is why I have moved the Audit and Program review of DEEP ahead, so that we will review this program this summer. But, before we take a look at DEEP, I do not believe that we should pass L.D. 637. It is not a wise Bill. I hope that you will join me in opposing it.

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

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can see that the bureaucracy is concerned about this by what I have just heard. The Committee reported this out in a unanimous Committee Report, and the primary reason that the Committee decided to do that, was that we didn't think it was appropriate for a state agency, a state bureaucracy, to determine above and beyond what the courts had determined. If the courts deem you to be not guilty, that should be the end of it, and no

state agency should be allowed to interfere, and to superimpose their own bureaucratic rules upon these people. That is why this Committee went with this Bill. It sounds to me like a turf battle at this point. I wish that you would continue with the Bill and allow it to pass.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the words of the good Senator from Aroostook, Senator Theriault, but I think it is the first time I have been accused of being a bureaucrat, or backing the bureaucrats. I think it is a little interesting that this is the case.

I have in fact, handled some constituent cases where I have run into that, and I did get very angry, and I said, "How can that be that the court can say that the charge is dropped?", but yet, we have the Motor Vehicle Department say, "Well, I am sorry, but you are not going to get your license". That is when I knew that we had the law that said administratively that could be done. I did talk to the bureaucrats, but not on this particular Bill, but I did talk to bureaucrats when I was handling the case work. What they indicated to me was, and what I already knew from Corrections and doing all of that kind of work was, that the first OUI offense that is picked up is probably what they call in Corrections, "Not the first bite of the apple". In other words, it is probably not the first time that particular person has driven drunk. But, I don't know that, sometimes they do and sometimes they don't. But, the reason is that we did that is exactly the reasons that I stated to you in my written remarks. If you are lucky enough to afford a lawyer, or maybe you are bright enough to defend yourself in court, and you can plea bargain this first OUI, than you don't get to go to DEEP. So, if your record is such, if Motor Vehicle is looking at a copy of that computer record, and you can get your record anytime, it will tell that administrator if there is a real problem with this person driving on our highways.

I think that all of us can talk about our horror stories, and I am referring to a family that I knew of a few years ago, they lived right up the street from my sister in Gorham, which happened to be a family member of her husband. The whole family was going to visit their son and his family on Christmas Eve. A drunk driver crossed the median strip on a highway in Massachusetts, and wiped out the whole family, except for the one son they were going to visit on that Christmas Eve. This is what we are really talking about. Sometimes I don't agree with the administrator when they are saying that the license should be pulled, and rather or not the charge has been plea bargained, but what I know is, that although I have run up against it, and I have railed against it, I have that additional insurance that there is going to be another look see, and what I have seen when I have seen those records of those people, and I have seen the judgments of those administrators, that it is probably more than likely correct.

It is not an easy thing that we are doing here right now. I think that you have to look at it

carefully, and I am certainly not doing it for the bureaucrats. I am doing it because I think it is a very, very grave issue, and can, in fact, result in death if we don't make the right decisions. I ask you to defeat this Bill.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have been waiting for this Bill, and a couple of others to come, and share with you on the floor of this Chamber some real concerns with some of them that have been mentioned by my colleague and seatmate, the Senator from Kennebec, Senator Bustin. This is really not the way to go. With all deference to my good friend, the Senator from Aroostook, Senator Theriault, with whom I always agree with, today, I make an exception.

Ladies and gentlemen of the Senate, we have tried very, very hard, both Republicans and Democrats in this Legislature, with the former Governor, Joe Brennan, and the present Governor, John McKernan, to make Maine a leader in cracking down on the drunk driver, and now the drug driver. Maine has a strong reputation of protecting our citizens on the highways. This kind of legislation here today goes in the opposite direction. I know that there have been some concerns with individuals, constituents calling Legislators about the DEEP system. But, you know the old saying, "You don't throw the baby out with the bath water", and you also don't take chances with public safety. I recall a discussion that had taken place back in December, with the Secretary of State, Bill Diamond, in a conference that he put together in Portland. There were probably three or four hundred people there. Ladies and gentlemen of the Senate, there were a lot of young people there talking about drunk drivers, and these groups now have started in all of the schools talking about the Students Against Drunk Driving, and protecting their classmates. What kind of message are we sending to them today? Now, because of a couple of incidents that happened where a Counselor may have made a poor decision, are we really going to turn the clock back, go back to a time when we knew that it was very, very unsafe to be on the road? We have made a strong improvement on our highways.

I happen to work professionally with individuals who suffer from drug abuse and alcohol abuse, and I can tell you ladies and gentlemen of the Senate, if it were so easy as to just do away with the First Offender Program, and the DEEP Program, and deal with the second offenders, I wish that we could do that. But, you know, many individuals are not identified until very, very late. There are probably many individuals out there that have no black marks against their driving record, that do have serious problems with drugs and alcohol. You are going to give them a license to continue to endanger the public safety by passing this legislation.

I talked with Mothers Against Drug Driving on Thursday, they are very, very concerned about this Legislation. I talked with the Regional Councils. They are very concerned. What kind of message are we sending here? Isn't there a way to take care of some of the concerns and the problems without throwing out a good program? I hope so. I have faith that this

Body will do the right thing, especially when we are talking about public safety. I really hope that individuals, and members of this Body will think before they vote tonight. Let us, at the very least, send this back to the Committee on Transportation, or maybe the Committee on Legal Affairs. This is really not the kind of direction that we want to go. I could give you some of the cases that I have worked with and the individual's scenarios that I have seen, but I don't want to do that. But doggone it, when you see those Motor Vehicle Fatality Reports due to drinking and driving, and every month we get those from Public Safety, doggone it, they are not just statistics, they are human beings, and you are going to endanger their lives by passing this kind of legislation! I really hope and pray that you don't do it. Thank you Mr. President.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I, too, rise to oppose this Bill. I think it is important that when anyone is sent to DEEP, currently, one of two things had to have happened, either they failed their blood alcohol test, or they refused to take it. DEEP is usually the first time that a person who is having trouble with abusing alcohol comes face to face with him or herself. What this is basically saying, is people who have refused to take a blood alcohol test because they know that they can have a lawyer, and they can get out of it, and plea bargain when they get to court, are not going to come face to face with themselves and their addiction. You may say, "Well, that is all right, it doesn't work to go into that kind of program unless you are ready". That is a myth that I, too, have held. But, in fact, studies have shown that is not true, that any kind of substance abuse program, the DEEP Program does, indeed, work, whether you want to go or not! It has an effect on reducing people driving while drunk, and getting people to take a look at the substance that they are abusing. To pass this legislation weakens our strong OUI laws, and I urge you not to do it. Thank you Mr. President.

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

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I can't help commenting, and my seatmate has passed me a little note, but I feel that I have to say it. DEEP is in deep trouble! Actually, I just wanted to reiterate that we will be reviewing DEEP in the Audit and Program Review Committee this summer. I think that this kind of an issue ought to wait so that we can find out what the inherent problems are with that, because I think that this stems from those inherent problems with the DEEP Program. We should not "Dump the baby out with the bath water", we should keep the baby, and try to give it a better bath. As a matter of fact, if you look at the amendment that you have, under filing number (H-281), you have a loss to the General Fund Revenues as a fiscal note in 1991-1992 of \$123,506, and in 1992-1993 of \$164,675. Now, I wouldn't normally stand up here and advocate that you should get this kind of money this way, but, there are two things that you can draw from looking at this. One, if there is that much money coming in

from these administrative dollars, it has got to mean that we have got some pretty serious offenses on those driving records. It tells those Administrators that we have some pretty serious offenses in these cases. I would not want to let that go until I have studied it fairly and thoroughly in Audit and Program Review. I don't say that that is the "end all, be all", but I don't think this is the time when we look at doing away with a \$123,000 in one year, and \$164,000 in another year, when we are looking for all of the money that we can get. I urge you to not pass this Bill. Mr. President, I move that this Bill and all accompanying papers be Indefinitely Postponed.

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

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. First, I want to urge you to vote against this motion. This Bill should be allowed to pass. It is amusing to me that we would be talking here about an employment security program for somebody. That is essentially what it seems like to me. We have some counselors out there that are very concerned about this, not necessarily for the right reasons, and I will let you determine for yourself what these reasons are. I think that once a court has found you not guilty, there should not be a state agency with the authority to override that determination!

That one hundred thousand dollars or so that you are talking about, as far as I am concerned, that is ill-gotten revenue for this state, and probably blood money more than anything else. I urge you to vote against that motion and allow this Bill to pass. This is a unanimous Committee Report, and it was not taken lightly in our Committee, and I don't see where another Committee could look at it any differently than we did, because remember, the basic premise here is, should a state agency have the final say beyond what a court determines? Thank you Mr. President.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel compelled to rise because there is another Bill, or maybe another couple of Bills coming in with DEEP. And being a person who was actually one of only eight people who voted against lowering our percentage on the blood alcohol level from 1.0 to .08, and somebody who will criticize the Secretary of States Office, as well as the DEEP Program, which I firmly believe is the most poorly managed Program in all of State Government, bar none, I feel compelled to rise, unfortunately, once again, to be on the other side from my good friend, and I shouldn't use that right now because he is behind me, but my good friend, Senator Theriault.

The reason why I must rise and join the others that have spoken against this Bill, is actually fairly clear, in my own mind, anyway. The Secretary of States Office, after somebody has been stopped for operating under the influence, is usually notified by the officer who has stopped this individual. They

then send a notice to that driver telling that person that they have a right to a Hearing determining whether or not their license should be suspended. Now, that Administrative action is totally separate from what goes on in court. So the case may go to court, and it may be thrown out, just like the good Senator from Aroostook, Senator Theriault has suggested. A person may, in fact, be found not guilty, also. But aside from that, the Secretary of States Office proceeds on an Administrative level, they can't put the person in jail, all they can do is suspend their license. Now, if that does happen, which has to happen before the person goes to DEEP, that is the first thing that I would say to the Body, it is an important fact, that person does have a right to a Hearing. And as much as a "Kangaroo Court" that I consider that to be from time to time, at least you do have the right to a Hearing, and only then can you be ordered to DEEP.

Now, I disagree sharply with those that have spoken in reference to DEEP and the good that it serves, and we have to get people into DEEP, and they are keeping people off the road. They are keeping people off the road, alright, but very often they are doing it for the wrong reasons. They are lining the pockets of some counselors across our state for no good reason, and we ought to look very carefully at Bills that come before us dealing with DEEP, and not just say that I am against it because MADD is against it. We are about one voice in this state, we have to consider all voices involved. But, this Bill, I really see it as an attempt by the Transportation Committee to vent some of that frustration with that outfit down the hill, as well some frustration ought to be vented. I just don't think this is the Bill to do it with.

Senator **MATTHEWS** of Kennebec requested a Roll Call. Less than one-fifth of the members rising, a Roll Call was not in order.

Senator **MATTHEWS** of Kennebec moved to **RECOMMIT** Bill and Accompanying Papers to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

Senator **CLARK** of Cumberland requested a Division.

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

Senator **MATTHEWS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just before we take the vote here, I just want to respond to a couple of statements that have been made. First of all, with respect to organizations like MADD, I too, have not always agreed with everything that they have stated, but I guess that I have agreed with their purpose and their guiding principle, which is to protect society from drunk drivers. The legislation today that we are about to pass, I think, doesn't do that.

I am reminded by one of the cases that was mentioned at the Secretary of States Conference on Drinking and Driving, and using drugs and driving, by an individual father who was very close to the State House here from Manchester, who told us about an incident that involved his son. A particular individual who had been drinking, and this was a first time offense, and what an offense, an

individual driving at a speed in excess of 90 mph, streaking up Route 202, ran head on, and by the way, the persons blood alcohol level was in excess of 2.0, ran head on into this car that was driven by this persons son, and his son was killed. The irony, ladies and gentlemen, and this is a member now of MADD, and a very strong individual who is going to try and protect as many people as he can, the father found out because he was on the rescue team in Manchester. Can you imagine going to the scene of the accident, and coming upon a horrible, terrible accident, and this person said to one of the first emergency medical people there, "Do you know anything about who the driver was"? And the person said, "Yes, we know who the driver of the vehicle that was killed, his name was such and such". "My God!, the father said, "It was my son who was killed"!

That is the kind of thing, ladies and gentlemen, which we have to think about before we pass this legislation, or any other legislation that comes after this, that might attempt to deal with some legitimate issues, but basically, throws the public safety to the wind, and all of the efforts that this Legislature, and this Senate have tried to fight for over the years to protect, and made Maine a leader. But, that is the kind of example of the human side, and the human tragedy of drinking and driving. First time offenders! You know, not everybody as I mentioned are identified, unfortunately, but we are making it a lot tougher by cracking down on the drinking and driving, and sending strong signals that we won't tolerate drinking and driving on our highways. We have got a Public Safety Commissioner who I think is doing an excellent job.

I want to say one thing about the bureaucracy tonight. When I have gone to these conferences with members of the counseling profession, and citizens concerned about drug and alcohol abuse, I must applaud the Commissioners of Public Safety, and Transportation, and others in attendance at these discussions. We are educating ourselves about drinking and driving, and using drugs, and the kinds of negative consequences. Do we want to throw it all out? Do we want to lose all the progress that we have made? Holly, Lord! Lets think about it. Lets pause, and stop, and think about it. It started under preceding Governors, and continued by this Governor, John McKernan, and this Legislature, and I am proud of it. Lets stop this process tonight and think about the direction we want to head, and lets try to fix the problems that may have occurred. I hope that you will really take the time about this legislation tonight. Thank you.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would urge the Senators to vote against this pending motion. I would like to say that this Bill had a good Public Hearing. We had a lot of people in attendance. We heard the different sides, the different opinions. I would like to remind everyone that we are not eliminating the program like it has been suggested. We are not gutting the program like it has been suggested. We have most individuals, as a matter of fact, who are accused, or are summoned for an OUI that are convicted. Those that are convicted will be

required to follow the program. It is only for those individuals who were not convicted that will not have to follow the program. 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 would like to speak on this Bill for a moment today if I could. As a past voter of strengthening the OUI laws, I have served on the Legal Affairs Committee dealing with all of the legal issues dealing with alcohol for the most part, and I guess, you would consider our Committee pretty "dry" as to what we voted out of that Committee.

As a person who even wants to make it so that you have to have a license in order to drink in a limousine, I support this Bill, and I support it for a basic reason. That basic reason is, that right now with the OUI Law, if someone is stopped for OUI, and their license is taken away from them, right then and there, at that point there is no due process in the State of Maine for that person. It is taken right away from them. Then the question becomes, what happens later on if that person is acquitted in court? That is the issue here. It has been mentioned, and usually, I agree with the good Senator from Kennebec, Senator Matthews, about OUI issues, but to suddenly run into almost all of these people that got acquitted on OUI accidents, and later on that were not acquitted, is when you talk about watering the issue down, that is what you are doing. You can not give demonstrations of other cases where people were found guilty of OUI, and claimed that this Bill is dealing with that, it is not. It is dealing with people who were stopped, had their license suspended without any due process, and later on, were found by that court to be acquitted of that. That is what this Bill deals with, and that is all that this Bill deals with. It seems to me, that if we are not going to use due process in the beginning, which is to immediately suspend somebody's license, and later on they are acquitted, it is only right and fair for this Body, at that point, to say that that person cannot have a bureaucracy, to come in and say, "That is too bad, we are still not going to give you your license back". I think that is the basic reason for why this Bill passed and has a unanimous Report, and I hope that you will support it. Thank you.

THE PRESIDENT: The pending motion before the Senate is the motion by Senator **MATTHEWS** of Kennebec to **RECOMMIT** Bill and Accompanying Papers to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

A Division has been requested.

Will all those Senators in favor of the motion by Senator **MATTHEWS** of Kennebec to **RECOMMIT** Bill and Accompanying Papers to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

4 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator **MATTHEWS** of Kennebec to **RECOMMIT** Bill and Accompanying Papers to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**, **FAILED**.

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

The Chair ordered a Division.

Will all those Senators in favor of the motion by Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, please rise in their places and remain standing until counted.

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

8 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator **BUSTIN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-281) **READ** and **ADOPTED**, in concurrence.

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

Senator **CLARK** of Cumberland 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.

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

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

On motion by Senator **CONLEY** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

COMMUNICATIONS

The Following Communication:

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

May 17, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Stephen Adams of Bangor, for appointment to the Maine Indian Tribal-State Commission.

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

YEAS: Senators 2
Representatives 7

NAYS: 0

ABSENT: 4 Sen. Berube of Androscoggin, Rep.
Anthony of South Portland, Rep.
Farnsworth of Hallowell, Rep.
Richards of Hampden

Nine members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Stephen Adams of Bangor, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

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

On motion by Senator **CLARK** of Cumberland, Nomination Tabled 1 Legislative Day, pending **CONSIDERATION.**

The Following Communication:

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

May 17, 1991

The Following Communication:

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

May 17, 1991

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President of the Senate of Maine
State House
Augusta, Maine 04333

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

Dear Mr. President:

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Frederick B. Hurley, Jr. of Wayne, for reappointment to the Maine Indian Tribal-State Commission.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of John H. Cox of Bangor, for appointment to the Maine Indian Tribal-State Commission.

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

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

YEAS: Senators 2
Representatives 8

NAYS: 0

YEAS: Senators 2
Representatives 8

NAYS: 0

ABSENT: 3 Sen. Berube of Androscoggin, Rep.
Anthony of South Portland, Rep.
Farnsworth of Hallowell

ABSENT: 3 Sen. Berube of Androscoggin, Rep.
Anthony of South Portland, Rep.
Ketterer of Madison

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John H. Cox of Bangor, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Frederick B. Hurley, Jr. of Wayne, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Sincerely,

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

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

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

On motion by Senator **CLARK** of Cumberland, Nomination Tabled 1 Legislative Day, pending **CONSIDERATION.**

On motion by Senator **CLARK** of Cumberland, Nomination Tabled 1 Legislative Day, pending **CONSIDERATION.**

The Following Communication:

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

May 17, 1991

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 115th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Maynard F. Marsh of Gorham, for reappointment to the Maine Indian Tribal-State Commission.

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

YEAS: Senators 3
Representatives 8

NAYS: 0

ABSENT: 2 Rep. Anthony of South Portland,
Rep. Ketterer of Madison

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Maynard F. Marsh of Gorham, for reappointment to the Maine Indian Tribal-State Commission be confirmed.

Sincerely,

S/Sen. N. Paul Gauvreau S/Rep. Patrick E. Paradis
Senate Chair House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator CLARK of Cumberland, Nomination Tabled 1 Legislative Day, pending CONSIDERATION.

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 GAUVREAU for the Committee on JUDICIARY Bill "An Act Concerning Children in Need of Social Services"

S.P. 635 L.D. 1683

Reported by Senator THERIAULT for the Committee on TRANSPORTATION Bill "An Act Concerning Responsibility of Motor Vehicle Owners for Registration"

S.P. 619 L.D. 1623

Reported by Senator GOULD for the Committee on TRANSPORTATION Bill "An Act to Amend the Motor Vehicle Laws"

S.P. 633 L.D. 1681

Reported by Senator GOULD for the Committee on TRANSPORTATION 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

Ought to Pass As Amended

Senator GAUVREAU for the Committee on JUDICIARY on Bill "An Act to Include Radiology in the Medical Liability Demonstration Project" (Emergency)

S.P. 495 L.D. 1333

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-177) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Reported by Senator BERUBE for the Committee on STATE AND LOCAL GOVERNMENT Bill "An Act to Amend the Laws Concerning Transit District Services" (Emergency)

S.P. 690 L.D. 1836

Ought to Pass As Amended

Senator CONLEY for the Committee on HUMAN RESOURCES on Bill "An Act to Provide Funds for Women with Substance Abuse Problems" S.P. 40 L.D. 64

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-182) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CONLEY for the Committee on HUMAN RESOURCES on Bill "An Act to Enhance Social Services and Therapeutic Patient Activities in Nursing Homes" S.P. 494 L.D. 1332

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-181) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator VOSE for the Committee on MARINE RESOURCES on Bill "An Act Regarding Taking Scallops in the Swan's Island Cable Area" S.P. 437 L.D. 1181

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-183) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator CARPENTER for the Committee on UTILITIES on Bill "An Act to Promote Competition in Providing Telecommunications Services" S.P. 492 L.D. 1330

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-184).

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-184) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on EDUCATION on Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine S.P. 548 L.D. 1452

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

Signed:

Senators:

ESTES of York
MCCORMICK of Kennebec

Representatives:

CROWLEY of Stockton Springs
PFEIFFER of Brunswick
OLIVER of Portland
NORTON of Winthrop
BARTH of Bethel
CAHILL of Mattawamkeag
O'GARA of Westbrook
O'DEA of Orono
AULT of Wayne
HANDY of Lewiston

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

Signed:

Senator:

BRAWN of Knox

Which Reports were READ.

Senator ESTES of York moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator **BRAWN**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do not intend to debate this Bill, but I do want to put on the Record why I voted on the Minority Ought Not To Pass Report. I am very supportive of the entire Bill, there was a lot of debate on the configuration of the Study Committee, but I was not pleased with the way it broke down. Just for the Record, I would like to be sure that was the reason I am on the Minority Ought Not To Pass Report. Thank you Mr. President.

On motion by Senator **ESTES** of York, the Majority **UGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy" (Emergency)

H.P. 1299 L.D. 1879

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

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

Bill "An Act to Provide Tire Disposal Alternatives and Fund Waste Management Programs" (Emergency)

H.P. 1300 L.D. 1880

Bill "An Act to Ensure Continuity in Liability for Ground Water Contamination" (Emergency)

H.P. 1306 L.D. 1888

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

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

Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto*America"
H.P. 1304 L.D. 1886

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

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

Bill "An Act Regarding the Ministerial and Grammar School Fund of Turner"
H.P. 1297 L.D. 1877

Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards on Local School Districts (Emergency)

H.P. 1305 L.D. 1887

(See Action Later Today)

Bill "An Act to Establish the Maine Committee on Aging within the Department of Human Services and to Establish the Office of the Long-term Care Ombudsman as an Independent Entity"

H.P. 1307 L.D. 1889

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 the Homestead Property Tax Relief Program"

H.P. 1298 L.D. 1878

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.

On motion by Senator **BOST** of Penobscot, the Senate **RECONSIDERED** its action whereby it was **REFERRED** to the Committee on **TAXATION**.

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

Sent down for concurrence.

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

Resolve, to Override a Departmental Rule Imposing Certain **ASHRAE** Standards on Local School Districts (Emergency)

H.P. 1305 L.D. 1887

On further motion by same Senator, **REFERRED** to the Committee on **EDUCATION** in **NON-CONCURRENCE**.

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

Bill "An Act to Strengthen the Inspection Laws for Buses other than School Buses"

H.P. 1303 L.D. 1885

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend the Definition of "Regional Association" under the Laws Relating to Waste Management"

S.P. 595 L.D. 1580

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 **TITCOMB** for the Committee on **AGRICULTURE** on Bill "An Act to Establish a Grading System for Maple Syrup Produced in the State"

S.P. 663 L.D. 1739

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-185).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-185) **READ** and **ADOPTED**.

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **MILLS** of Oxford, **ADJOURNED** in memory of Marguerite M. Twitchell, mother of the Senator from Oxford, Senator Twitchell, until Wednesday, May 22, 1991, at 5:00 in the afternoon.