

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate
May 22, 1991 to July 10, 1991

Index

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

In Senate Chamber
Thursday
May 30, 1991

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)

In Senate, May 20, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253) AS AMENDED BY HOUSE AMENDMENT "A" (H-311)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253) AS AMENDED BY HOUSE AMENDMENTS "A" (H-311) AND "B" (H-420)** thereto, in **NON-CONCURRENCE**.

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

Senate called to Order by the President.

Prayer by Reverend Glenn Swope of the High Street Congregational Church in Auburn.

REVEREND GLENN SWOPE: Let us pray. Almighty God, who has placed into our hands blessing, crisis, and opportunity. Be with those of us who were called to be leaders of the people, and be with us all as we are citizens of this state which we love, that together, we may be creators of a society which meets the needs of its people, even the least of them. Give us the courage to make bold decisions, meaningful sacrifices, thoughtful judgments, and compassionate enactments. Remind us all, citizens, Legislators, and Administrators, that the judgments and the decisions that will satisfy Your divine purposes, need to be made through our cooperation and peaceful negotiations. Bless all those who struggle under this majestic dome, and who give their time, energies, and emotions to their task. Give them wisdom, courage, and insight. And in these honored Chambers, and in these desperate times, grant them peace. Amen.

Non-concurrent Matter

Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers"
H.P. 615 L.D. 875

In House, May 22, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324)**.

In Senate, May 23, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Reading of the Journal of Tuesday, May 28, 1991.

Non-concurrent Matter

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

S.P. 726

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

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, June 4, 1991, at four o'clock in the afternoon.

In Senate, May 20, 1991, **PASSED TO BE ENGROSSED**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-428)** in **NON-CONCURRENCE**.

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

Which was **READ** and **PASSED**.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

COMMUNICATIONS

The Following Communication: S.P. 722

115TH MAINE LEGISLATURE

May 29, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on
Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated James A. Sherburne of Winterport for reappointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 723

115TH MAINE LEGISLATURE

May 29, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Charles E. Stickney, Jr. of Yarmouth for appointment and L. Philip Soucy of Fort Kent, Carol A. Tracy of Lewiston and E. Christopher Livesay of Brunswick for reappointments to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-C, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 724

115TH MAINE LEGISLATURE

May 29, 1991

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic Development
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Helen S. Dudman of Ellsworth and Laura K. Emack of Stockton Springs for appointments to the Finance Authority of Maine.

Pursuant to Title 10, MRSA Section 965, these nominations will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333-0016**

May 29, 1991

The Honorable Charles P. Pray
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Pray:

I am pleased to submit the Department's Transportation Investment Program for fiscal years 1992-1993.

The Program is submitted in support of funding requests in the areas of the Federally supported Highways and Bridges, Collector Roads, Highway Maintenance Resurfacing, Air Transportation, Highway Mass Transportation, Ports and Marine Transportation, and Rail Transportation improvements.

State transportation revenues have decreased due to the current economic decline and federal assistance is uncertain due to the Transportation Reauthorization Act currently before Congress. In light of this situation we have attempted to develop a realistic, balanced program that addresses our most pressing state needs. This Transportation Investment Program does not do all we would like it to do, but it represents the best we can do under the current economic environment.

The Federally supported highway and bridge portion of the program requires \$51.25 Million in State funds which would generate \$142.8 Million in Federal Highway matching funds and an additional \$4.8 Million in Local matching funds for a total Federally supported program of \$198.85 Million. The \$51.25 Million State funds necessary to match Federal funds would come from current revenues in the amount of \$26.25 Million and the remaining \$25 Million we would suggest be included in a proposed Transportation Bond Issue.

The non-Federal funded highway and bridge portion of the program requires \$21.1 Million in State funds.

The \$19.3 Million requested for the Air, Highway Mass Transportation, Ports and Marine, and Rail portions of the program would generate \$22.5 Million in Federal matching funds and an additional \$6.8 Million in Local matching funds providing a total program of \$48.6 Million in these four program areas. We propose that \$.5 Million of the State's share of these areas be taken from the General Fund, \$2 Million from the Highway Fund to support our rail grade crossing maintenance sharing obligations and the remaining \$16.8 Million we would suggest be included in a Transportation Bond Issue.

In summary, with \$103.25 Million in State and Local funds, \$165.3 Million in Federal funding is generated making a total investment program of \$268.55 Million for capital improvements associated with highway & bridge, air, mass transportation, ports & marine and rail transportation.

We trust you will find the 1992-1993 Transportation Investment Program represents a realistic and balanced effort to maintain and improve transportation service in Maine in a manner keeping with today's economic climate.

Sincerely,

S/Dana F. Connors
Commissioner

Which was **READ** and with Accompanying Papers **ORDERED PLACED ON FILE**.

SENATE PAPERS

Resolve, to Establish the Alternative Living Community Program (Emergency) S.P. 720 L.D. 1910

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senator **MCCORMICK** of Kennebec,
Representative **GEAN** of Alfred and Representative
MORRISON of Bangor
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

**Pursuant to Public Law
SYSTEMS ASSESSMENT COMMISSION**

Senator **CONLEY** for the **SYSTEMS ASSESSMENT COMMISSION**, pursuant to Public Law 1989, chapter 501, Part BB, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act to More Clearly Define the Role and Responsibilities of the Department of Mental Health and Mental Retardation" (Emergency)

S.P. 721 L.D. 1911

Be referred to the Committee on **HUMAN RESOURCES** for Public Hearing and printed pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

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

SENATE PAPERS

Bill "An Act Relating to Workers' Compensation Insurance Rate Setting" (Emergency)
S.P. 729 L.D. 1914

Presented by Senator **KANY** of Kennebec
Cosponsored by Representative **MITCHELL** of Vassalboro, Representative **HASTINGS** of Fryeburg and Representative **CARLETON** of Wells
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee and **ORDERED PRINTED**.

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

ORDERS

Joint Order

The Chair presented on behalf of Senator **MATTHEWS** of Kennebec the following Joint Order:
S.P. 725

ORDERED, the House concurring, that Bill, "An Act to Provide for Changes to the Membership of the Electricians' Examining Board," H.P. 912, L.D. 1309, and all its accompanying papers, be recalled from Engrossing to the Senate.

Which was **READ** and **PASSED**.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Ensure Continuity in Liability for Ground Water Contamination" (Emergency)
H.P. 1306 L.D. 1888

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 **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities"
H.P. 1271 L.D. 1842

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-435)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-435) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the Ministerial and Grammar School Fund of Turner"

H.P. 1297 L.D. 1877

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.

Which was, under suspension of the Rules, **READ TWICE**, and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Revise the Maine Horticultural Laws"

H.P. 923 L.D. 1320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-409)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409) AND HOUSE AMENDMENT "A" (H-414)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-414) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING AND INSURANCE** on Bill "An Act to Assist Maine Citizens with Health Insurance Costs"

H.P. 1021 L.D. 1494

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-408)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-408) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (Emergency)

H.P. 825 L.D. 1179

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-394)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394)**.

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

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** Committee Report, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Regulating Aestheticians"

H.P. 927 L.D. 1324

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act Increasing the Membership of the Nursing Home Administrators Licensing Board and Clarifying the Penalty for Unlicensed Practice" H.P. 966 L.D. 1393

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-395)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-395) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **CORRECTIONS** on Bill "An Act to Amend the Laws Governing the Intensive Supervision Program" H.P. 1078 L.D. 1572

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-398)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-398)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Amend the Mandatory Zoning and Subdivision Control Laws" H.P. 693 L.D. 992

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-416)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-416)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-416) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Establish and Implement the Maine Nonpoint Source Pollution Control Program" H.P. 987 L.D. 1432

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-415)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-415) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY AND NATURAL RESOURCES** on Bill "An Act to Provide for the Acquisition of Property for the Establishment, Preservation or Enhancement of Open Space and Recreation Corridors in the State" H.P. 1029 L.D. 1502

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-417)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-417) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act to Improve Markets for Recycled Materials"

H.P. 967 L.D. 1394

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING AND ECONOMIC DEVELOPMENT** on Bill "An Act to Promote Affordable Housing for Persons of Low to Moderate Income" (Emergency)

H.P. 1208 L.D. 1764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Ensure Notification of Guardians Ad Litem of Changes in Foster Care Placement of Children"

H.P. 1229 L.D. 1793

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-402)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-402) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities"

H.P. 1234 L.D. 1798

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-404)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-404)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-404) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Establish a Crime and Penalty for Killing a Person While Hunting"

H.P. 406 L.D. 589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-400)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Concerning the Construction of the Maine Revised Statutes"

H.P. 1159 L.D. 1700

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-399)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-399) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Provide for Administrative Correction of Certain Errors and Inconsistencies in the Maine Revised Statutes and to Establish the Commission to Study Resolution of Conflicting Enactments" (Emergency)

H.P. 1177 L.D. 1718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-401)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-401) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Allow Unemployment Compensation Benefits to be Payable to Individuals Who are Forced to Leave Employment to Protect Their Health and Safety"

H.P. 482 L.D. 676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-405)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-405) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Landlord-tenant Contracts of Adhesion"

H.P. 839 L.D. 1205

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-396)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Election Laws Governing Voting Machines and Electronic Voting Systems"

H.P. 1131 L.D. 1656

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-397)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-397)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-397) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties"

H.P. 813 L.D. 1167

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-305)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "A" (H-375) thereto**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-305) **READ**.

House Amendment "A" (H-375) to Committee Amendment "A" (H-305) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-305) as Amended by House Amendment "A" (H-375) thereto, **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Deregulate Mobile Telecommunications Services"
H.P. 1219 L.D. 1777

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-411) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Provide Full Pupil Subsidies for Home School Students"

H.P. 579 L.D. 830

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-356)**

Signed:

Senator:
ESTES of York

Representatives:
CROWLEY of Stockton Springs
NORTON of Winthrop
PFEIFFER of Brunswick
AULT of Wayne
O'GARA of Westbrook
BARTH of Bethel
CAHILL of Mattawamkeag
O'DEA of Orono

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-357)**

Signed:

Senators:
MCCORMICK of Kennebec
BRAWN of Knox

Representatives:
OLIVER of Portland
HANDY of Lewiston

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356)**.

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-356) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator **BERUBE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish a Commission to Arrange for the Display of the Flags of Maine's Desert Storm Units in the Hall of Flags of the State House

S.P. 697 L.D. 1862

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 **MCCORMICK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

S.P. 58 L.D. 107

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-235)**.

Which Report was **READ**.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to bring this Bill to the attention of the Senate before we have further action of this. As a member of the Aging, Retirement, and Veterans Committee, I regret I was not at the work session on this Bill, but I would like to bring to your attention that the price tag on this Bill is about \$6 to \$8 million. If anybody here has any illusions that we are going to have \$6 or \$8 million to fund this Bill, than I would like to ask where that money is going to come from. It would seem to me that, unfortunately, I don't remember the vote on this issue, and perhaps it was a unanimous Report, but I am sure that not everyone there bought the concept of spending this much money on this issue during these tough, economic times.

I would just request that you look at the Bill, and ask you to vote against this measure. I would also request a Division.

Senator **WEBSTER** of Franklin requested a Division.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill is one of a series that has come before this Legislature to try and rectify the inequity that exists between the amount of health care insurance premiums that are paid by different public sector employees. State workers have 100% of their health care premiums paid upon retirement, and currently, teachers have 25% of their health care premiums paid by the Maine State Retirement System upon retirement. The Committee debated this thoroughly, and of course was aware that this was not a year in which the State of Maine is flush with money, but we felt that the principle was important enough to continue, and therefore, we amended the Bill to say that 30%, an increase of 5%, not anywhere near equalizing the plans, would be paid to the Maine State Retirement System. We also know that it will be placed on the Appropriations Table, but we felt that it was very important statement of equity, and it had a unanimous Report. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Bill that the Senator refers to, is not L.D 107, but the next item which deals with the 25% to 30% raise. Over the years that I have served here, the Legislature has worked consistently to try to raise that about 5% a year from 25% to 30%, which is what the next Bill does. Frankly, that is \$300,000 or \$400,000, and I think it is a lot of money, we are not debating the next issue now, but I think we ought to pass that on and let the Appropriations Committee set those kinds of priorities.

Frankly, we are not going to have 6 or 8 million dollars, and it is unfortunate that we didn't have this discussion in the Committee, because

realistically there is no money. I hate to lead anybody on to think we could somehow fund this request. Obviously, I am hopeful, and I know that a lot of members of the Senate feel that we should do something for retirees, namely state retiree teachers, by increasing their health insurance premiums.

But I wanted to bring to your attention L.D. 107, which is a 6 or 8 million dollar proposal, which we don't have any money for. It has always been easy, and Senator Pearson from Penobscot, and others in the Legislature who serve on the Appropriations Committee, know how easy it is for the Legislature during the good times to pass something, and say, "If the Appropriations Committee kills it, we did our part, we voted for it, and everyone is happy, and the the bad guys are down there in the room below". Frankly, these are the times that we have got to start looking at these things and saying we don't have this kind of money, the Appropriations Committee ought to be dealing with other issues that they can afford to pay for, there is no money for this. It just seems to me that we ought to be fighting for the next Bill in front of Appropriations, and not something that is unrealistic and won't be funded. Thank you.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. While I fully appreciate the concerns expressed by the good Senator from Franklin, Senator Webster, I would remind members of the Senate, particularly those who graced these chairs before, that a Bill of this nature has come out of the Committee on Aging, Retirement, and Veterans with a unanimous Ought To Pass Report for probably well over the last six or eight years at the very minimum.

There are state employees who do not have to pay for their Medicare Part B premiums. Those are the state employees who have not acquired the necessary Social Security credits, and this also includes teachers. Because they don't, the state pays for their Medicare Part B premiums. Yet, the teachers and the state employees who have acquired necessary social security quarters to qualify, must then pay for Medicare Part B, because of their qualification, out of their own pocket, and this simply provides equity.

This Legislature, like Legislatures who have preceded it, recognize that this Bill carries a price tag. For too many years we have been unable to fund it, and we recognize the Committee on Aging, Retirement, and Veterans, the fiscal constraint under which we operate, for there is ample precedent in this Legislature, as well as previous Legislatures to at least recognize the inequity that exists, and we do this by reporting this Bill out, and letting it die for lack of funding, as has been the case for almost a decade now. It makes people feel better that at least we tried, and if we can't fund it, by golly, it doesn't cost one lousy cent to make people feel better. Thank you Mr. President.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I feel a little remiss. I feel upset about the fact that so many Committees in this Legislature have done a good job in setting priorities. A lot of Bills in the previous years would have died on the Appropriations Table that were defeated in the Committee. Lets be honest ladies and gentlemen, there were many Bills that in previous years would have gone to the Table, but the Committees did their job, and said, "There is no money for this". And when I saw this on the Calendar today, it just seemed to me that the Appropriations Committee has enough to do, they are working diligently, and it seems to me that we all know it is not going to pass, we all agree that we have no money for it. If we didn't have it over the last ten or fifteen years, we certainly are not going to have it now. I think it would be appropriate to take this Bill out of circulation so that the Appropriations Committee can do their work, and not have this matter before them. Thank you.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of Committee Report.

A Division has been requested.

Will all those in favor of the motion to **ACCEPT** Committee Report, please rise in their places and remain standing until counted.

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

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion to **ACCEPT** Committee Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-235) **READ** and **ADOPTED**.

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

Senate at Ease

The President requested that the Sergeant-at-Arms escort the Senator from York, Senator **DUTREMBLE**, to the Rostrum where he assumed the duties as President Pro Tem.

The President retired from the Chamber.

Senate called to Order by the President Pro Tem.

Senator **MCCORMICK** for the Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"

S.P. 571 L.D. 1525

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-226)**.

Which Report was **READ**.

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

Senator **TWITCHELL** for the Committee on **AGRICULTURE** on Bill "An Act to Require Country of Origin Labeling on Fresh Produce and Labeling of Produce Treated with Post-harvest Treatments"
S.P. 606 L.D. 1610

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-225)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-225) **READ** and **ADOPTED**.

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

Senator **CONLEY** for the Committee on **HUMAN RESOURCES** on Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (Emergency)
S.P. 538 L.D. 1436

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-231)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-231) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Revise the Small Claims Laws"
S.P. 134 L.D. 272

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-238)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-238) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Governing Sexual Assault"
S.P. 217 L.D. 544

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-236)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-236) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Amend Certain Provisions of the Maine Bail Code"
S.P. 440 L.D. 1184

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-237)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-237) **READ** and **ADOPTED**.

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

Senator **ESTY** for the Committee on **LABOR** on Bill "An Act to Improve and Expand Job Training Opportunities for Maine Citizens" (Emergency)
S.P. 366 L.D. 968

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-228)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-228) **READ** and **ADOPTED**.

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

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

Senator **BOST** for the Committee on **TAXATION** on Bill "An Act to Set Priorities in the Tax Setoff Program"

S.P. 647 L.D. 1692

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-227)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-227) **READ** and **ADOPTED**.

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

Senator **THERIAULT** for the Committee on **TRANSPORTATION** on Resolve, to Extend the Schedule for Recodification of the Motor Vehicle Laws (Emergency)
S.P. 673 L.D. 1787

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-233)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-233) **READ** and **ADOPTED**.

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

Senator **GOULD** for the Committee on **TRANSPORTATION** on Bill "An Act to Prohibit Retrofitted Lift Axles on 100,000-pound General Commodity Permit Vehicles"

S.P. 152 L.D. 364

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-232)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-232) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Create a Maine "Dig-safe" System"
S.P. 186 L.D. 495

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-224) **READ** and **ADOPTED**.

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

Divided Report

Senator **GOULD** for the Committee on **TRANSPORTATION** on Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Memorial Bridge"

S.P. 530 L.D. 1408

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-234)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

The Majority of the Committee on **LABOR** on Bill "An Act to Raise the Family Allowance in Unemployment Compensation Benefits to a Reasonable Dependent Support Level"

S.P. 468 L.D. 1251

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

Signed:

Senators:

ESTY of Cumberland
CARPENTER of York

Representatives:
AIKMAN of Poland
HASTINGS of Fryeburg
PINEAU of Jay
RUHLIN of Brewer
LIPMAN of Augusta
BENNETT of Norway

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-229)**

Signed:

Senator:
CONLEY of Cumberland

Representatives:
MCKEEN of Windham
MCHENRY of Madawaska
RAND of Portland
ST. ONGE of Greene

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act to Promote Economic Development"
S.P. 515 L.D. 1376

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-230)**

Signed:

Senators:
ESTY of Cumberland
CONLEY of Cumberland

Representatives:
MCKEEN of Windham
PINEAU of Jay
ST. ONGE of Greene
MCHENRY of Madawaska
RAND of Portland
RUHLIN of Brewer

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

Signed:

Senator:
CARPENTER of York

Representatives:
LIPMAN of Augusta
AIKMAN of Poland
HASTINGS of Fryeburg

Which Reports were **READ**.

Senator **ESTY** of Cumberland moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I stand to urge you to not support the Majority Ought To Pass Report. Unlike the title to this Bill, "An Act to Promote Economic Development, it says in the Bill, "That if an employer or a company accepts funds for economic development, that it is going to restrict them severely, and not on the employees. If a Maine employer receives any direct economic support in the form of a loan, loan guarantee, financial payment, evidence of death, grant or tax increment financing arrangement, in any amount from the State of Maine, any of its subdivisions, or any government quasi, government entity, and if that employer creates new jobs within Maine, the employer must give hiring preference to existing employees". That sounds somewhat reasonable at that point, but then the definition of existing employees include, "Any employee who has been employed by an employer receiving economic support. Any person who had been an employee with that employer for at least six months during any period during the three years prior to the receipt of the public economic support, or any employee who was employed for at least six months at a facility at any time during which the employer received economic support."

There is quite a list of things that we can come up with that can show my view of it. I will just name a couple of them. "This unduly interferes with and regulates the private employment decisions of Maine employers. It also allows any existing employee to sudden motion a possible attorney or general investigation, by simply challenging the employees determination of relative qualifications. The Bill is not really an act to promote economic development. It is restrictive. I request a Division. Thank you.

Senator **CARPENTER** of York requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me say very quickly, that first of all, this is a Bill that we briefly debated in the Labor Committee. There was a difference in philosophies, and it was one we chose to put out to the Legislature to act on or enact. Let me also say, that I did promise the good Senator from York, Senator Carpenter, that I would be briefer today than I was the other day in addressing these kinds of philosophical issues.

This Bill simply requires employees who receive economic subsidies from the state, to give a hiring preference to their existing employees who may have been laid off whenever new employment positions that they are qualified to serve in, are created by the employer. It does not mandate this for all employers in the state. It simply says, if you are receiving breaks from the state, or economic subsidies from the state, and you create new positions, then lets try to hire those people back first which were laid off, and had previously worked for you.

With that, I will end by saying that once again, this is just a difference of opinion in philosophy, but I think it is an important Bill for the Maine Legislature to pass. Thank you.

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

Senator CONLEY: Thank you Mr. President. Ladies and Gentlemen of the Senate. As a member of the Labor Committee and a sponsor of this Bill, I think it is important to follow-up on the remarks of the two good Senators who spoke prior to my rising, to indicate to this Body that this Bill would apply only to those employers who employ more than 100 employees. Secondly, it would apply only to those employees who have received \$250,000 or more by economic assistance from the state by the way of job training, or some sort of abatements. It would not include tax investment credits that are made up of monies given to businesses for those types of breaks. And finally, the employer would be obligated to take back those employees who had been laid off, and only those employees who had left in good standing, and were not let go for just cause. I think that those are important elements of the Bill that should be noted for the Record. I think it makes sense if you are going to invest money in Maine businesses, which we do around here from time to time to promote economic development, then we should get something back for that, and what that something should be is insuring that Maine workers get their jobs back. Thank you.

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

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. Maybe I misread the amendment. The way I read the amendment is, it strikes out investment tax credits in excess of \$250,000. I could stand corrected if somebody wishes to correct me. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just to respond to the question from the good Senator from York, Senator Carpenter, he is right. In fact, the reason that this had occurred in one of the Committee Workshops, was simply because we wanted to be very conservative and reasonable in implementing this legislation, so we agreed to narrow it down more than the sponsor originally wanted. This amendment was an effort to narrow it down as best we could. Thank you.

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

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to address a question to any Senator who would care to answer it. What I would like to know is, would this apply to businesses in the state who benefited, for example, tree growth, which would be most logging and wood turning mills that I represent throughout the state?

THE PRESIDENT PRO TEM: The Senator from Franklin, Senator Webster, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just say that I would defer that question to the good Senator from York, Senator Carpenter. If he is unable to answer it, I would be happy to provide that information for the good Senator from Franklin, Senator Webster, at a later date. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator ESTY of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

A Division has been requested.

Will all those in favor of the motion by Senator ESTY of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, please rise in their places and remain standing until counted.

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

16 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator ESTY of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-230) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Mobile Home Parks"
S.P. 528 L.D. 1406

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

Signed:

Senators:
MILLS of Oxford
KANY of Kennebec
SUMMERS of Cumberland

Representatives:
JALBERT of Lisbon
PLOURDE of Biddeford
POULIN of Oakland
STEVENS of Sabattus
TUPPER of Orrington
BOWERS of Sherman

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-222)**

Signed:

Representatives:
LAWRENCE of Kittery
DAGGETT of Augusta
RICHARDSON of Portland
HICHENS of Eliot

Which Reports were **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"

S.P. 446 L.D. 1190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-241)**

Signed:

Senators:
BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:
LOOK of Jonesboro
NASH of Camden
SAVAGE of Union
WATERMAN of Buxton

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-242)**

Signed:

Representatives:
JOSEPH of Waterville
LARRIVEE of Gorham
KERR of Old Orchard Beach
GRAY of Sedgwick
HEESCHEN of Wilton
KILKELLY of Wiscasset

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (Emergency)
S.P. 507 L.D. 1345

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-239)**

Signed:

Representatives:
HEESCHEN of Wilton
NASH of Camden
JOSEPH of Waterville
WATERMAN of Buxton
GRAY of Sedgwick
KILKELLY of Wiscasset
LARRIVEE of Gorham

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

Signed:

Senators:
BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:
LOOK of Jonesboro
SAVAGE of Union
KERR of Old Orchard Beach

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Conduct an Independent Review of the Department of Human Services
S.P. 551 L.D. 1455

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-240)**

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives:

KILKELLY of Wiscasset
NASH of Camden
SAVAGE of Union
GRAY of Sedgwick
JOSEPH of Waterville
HEESCHEN of Wilton
LARRIVEE of Gorham
LOOK of Jonesboro
WATERMAN of Buxton

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

Signed:

Senator:

EMERSON of Penobscot

Representative:

KERR of Old Orchard Beach

Which Reports were **READ.**

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Would all those in favor of the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, please rise in their places and remain standing until counted.

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

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED.**

The Bill **READ ONCE.**

Committee Amendment "A" (S-240) **READ** and **ADOPTED.**

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Alter the Composition of the Commission on Governmental Ethics and Election Practices"

S.P. 711 L.D. 1894

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives:

LARRIVEE of Gorham
JOSEPH of Waterville
WATERMAN of Buxton
KERR of Old Orchard Beach
GRAY of Sedgwick
HEESCHEN of Wilton
KILKELLY of Wiscasset

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

NASH of Camden
SAVAGE of Union
LOOK of Jonesboro

Which Reports were **READ.**

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

THE PRESIDENT PRO TEM: The Chair recognizes that same Senator.

Senator **BERUBE:** This Bill, however well intentioned, was found to be lacking on several points. Presently, the appointments to the Ethics Commission is made jointly by the Presiding Officers of both Chambers, as well as, the leaders of those Chambers. The Bill sought to remove the one appointment each by the Presiding Officers, and instead, increase it by the Floor Leaders. The Committee in the Majority Report found that this would actually not serve a better purpose. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Yesterday, when we had a Hearing on this Bill, in my opinion, there was little interest in even discussing the subject. I mentioned to the Committee that I would be more than willing to listen, and be willing to accept any language which put us in the same situation that every other state that I can find, including what the Federal Government has when it comes to the make-up of the Ethics Commission. I can't find another state in this country that does not have a complete balanced Democratic/Republican make-up.

I really don't personally care how these people are appointed. This Bill was written by the drafters downstairs, and it made some sense to me. We could have easily amended it to whatever was considered reasonable by the Committee. The simple fact is,

that this is just another example of just leaving things the way they are, because you happen to like the way that they are. But frankly, every state that I have found has a different make-up than we do, and all the editorial writers in the state, and virtually every newspaper said, "There is something wrong here with a Committee that is not balanced. How can you be reasonable and fair when you are making political decisions, based on political parties rather than on what is good ethically?"

I would ask you to reject this motion, and I would be more than willing to talk to anyone who cares to try and make this a fairer Board. But, the simple fact is, we need to have to be considered fair and reasonable, and actually, considered by the public, we have something aboard that is looking at ethics, not at political parties. For that reason, Mr. President, I would ask for a Roll Call, because I have yet to see any reason, any logical reason to vote against some type of measure which makes the Board even. Thank you.

Senator WEBSTER of Franklin requested a Roll Call.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to the good Senator from Franklin, Senator Webster. Has he known any incidence or reason to think that the Board, whatever composition it may be, has rendered less than fair decisions? Whatever that make-up is, that the decision made was not fair, but more political because of that make-up?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Franklin, Senator Webster.

Senator WEBSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. My introduction to this legislation came as a result of the well known case of the Representative from Augusta, who is not seated based on a Party line vote of the Ethics Commission. There have been other cases, political type decisions on candidate issues that have been broken down Party lines. I find that offensive. If it is truly going to be an Ethics Commission based on ethical kinds of things, it ought to be bipartisan.

It is interesting that when I submitted this in the Council, Speaker Martin gave me his view on this matter, and he stated this was one of those things that we tried to do, but it was not successful. I don't know what his position is now. But, it seems to me, that Augusta sees one example of perhaps not a bipartisan view point on ethics decisions.

Senator CLARK of Cumberland moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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

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

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers.

A vote of No will be opposed.

Is the Senate ready for the question?

Senator CAHILL of Sagadahoc who would have voted **NAY** requested and received leave of the Senate to pair her vote with President PRAY of Penobscot who would have voted **YEA**.

Senator GILL of Cumberland who would have voted **NAY** requested and received leave of the Senate to pair her vote with Senator THERIAULT of Aroostook who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, MILLS, PEARSON, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - DENNIS L. DUTREMBLE

NAYS: Senators BRAWN, CARPENTER, COLLINS, EMERSON, FOSTER, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER

ABSENT: Senators None

PAIRED: Senators CAHILL, GILL, PRAY, THERIAULT

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators having paired their votes, and no Senators being absent, the motion by Senator CLARK of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying papers, **PREVAILED**.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act to Require Parental Consent to Adoption before a Probate Judge" H.P. 1215 L.D. 1773

Bill "An Act to Increase the Debt Limit of the Ogunquit Sewer District" (Emergency) H.P. 1255 L.D. 1823

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

House As Amended

Bill "An Act Regarding Aquaculture" H.P. 55 L.D. 76
(C "A" H-373)

Bill "An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs" H.P. 454 L.D. 644
(C "A" H-359)

Resolve, to Create a Demonstration Program to Increase Utilization of the Food Stamp Program by the Elderly H.P. 586 L.D. 837
(C "A" H-382)

Resolve, Authorizing the Bureau of Public Improvements to Conduct a Study of All State Work Places H.P. 668 L.D. 948
(C "A" H-379)

Bill "An Act to Preserve Public Ownership of Historic Fort Gorges in Casco Bay" H.P. 696 L.D. 1000
(C "A" H-380)

Bill "An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians" H.P. 726 L.D. 1030
(C "A" H-361)

Bill "An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes" (Emergency) H.P. 755 L.D. 1089
(C "A" H-390)

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency) H.P. 760 L.D. 1094
(C "A" H-365)

Bill "An Act Regarding Passing of School Buses" (Emergency) H.P. 778 L.D. 1110
(C "A" H-378)

Bill "An Act to Strengthen the Prohibition Against Illegal Transportation of Alcohol by Minors" H.P. 901 L.D. 1298
(C "A" H-381)

Bill "An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons" H.P. 915 L.D. 1312
(C "A" H-386)

Bill "An Act Relating to Insurance of Rental Motor Vehicles" H.P. 934 L.D. 1354
(C "A" H-353)

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (Emergency) H.P. 968 L.D. 1395
(C "A" H-363; H "A" H-429)

Bill "An Act Concerning the Number of Signatures Required for County Office Elections" H.P. 970 L.D. 1411
(C "A" H-384)

Bill "An Act to Amend the Law Regarding Assessment of Insurers and License Fees under the Insurance Law" H.P. 989 L.D. 1434
(C "A" H-352)

Bill "An Act Dealing with Abandoned Automobiles in the State" H.P. 1022 L.D. 1495
(C "A" H-383)

Bill "An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and Make Certain Other Changes" (Emergency) H.P. 1092 L.D. 1592
(C "A" H-369)

Bill "An Act Regarding Cable Television" H.P. 1121 L.D. 1646
(C "A" H-388)

Bill "An Act Concerning the Unlawful Prohibition of Legal Activities as a Condition of Employment" H.P. 1155 L.D. 1696
(C "A" H-389)

Bill "An Act to Promote Participation in Affordable Telephone Service"

H.P. 1157 L.D. 1698
(C "A" H-368)

Bill "An Act to Amend the Waldoboro Sewer District Charter" (Emergency)

H.P. 1225 L.D. 1783
(C "A" H-370; H "A" H-387; H "B" H-430)

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

Bill "An Act Regarding Liability for Persons Responding to Oil Spills"

H.P. 53 L.D. 74
(C "A" H-360)

Which was **READ A SECOND TIME**.

On motion by Senator GAUVREAU of Androscoggin, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies"

H.P. 230 L.D. 321
(C "B" H-354)

Which was **READ A SECOND TIME**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. With reference to L.D. 321, I would pose a question to anyone who might answer, as to whether or not that is a mandate for all health insurance policies, or whether it is a mandated option.

THE PRESIDENT PRO TEM: The Senator from Aroostook, Senator Collins, has posed a question through the Chair to any Senator who might care to respond. The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. The original Bill had been proposal for a mandated benefit, but no one on the Committee was interested in the mandated benefit. Instead, we preferred having a requirement that the law read that if there were a mastectomy, it would include the reconstruction of the breast. Gordon Smith, lobbyist for the physicians and others, all agreed that is so considered. Unfortunately, at least one insurer in the state has not in the past

considered breast reconstruction to be part of that surgical procedure to replace that breast.

Now, under the law on mandated benefits, even no one on the Committee was the least bit interested in the proposal. We were required the way the current law reads to send that proposal for evaluation to the Mandated Benefits Commission. In the amendment, and I do suggest that you read it, which has a filing number of (H-354), we have consulted with several members of that Commission, including its Chair, staff person, and two Commission members who are Legislators, and serve on the Banking and Insurance Committee, we have amended the law regarding the Mandated Benefits Commission, so that, if there were no interest by any single member of the Committee, we would not then have to send that proposal to the Mandates Commission.

We also made a second change in that law, that any reports about proposed mandates should come back to the Banking and Insurance Committee, instead of to the Legislature as a whole. I hope that satisfies the Senator, this was a consensus on the Committee, and we thought this was the appropriate way to deal with this proposal. In other words, it is not mandated that anyone reconstruct that breast following mastectomy. Only if mastectomies are offered within a policy, then would the reconstruction of the breast be necessary. Thank you.

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

Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program"

H.P. 557 L.D. 800
(C "A" H-350)

Which was **READ A SECOND TIME**.

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

Bill "An Act to Clarify the Status of Employee Benefit Excess Insurance"

H.P. 814 L.D. 1168
(C "A" H-355)

Which was **READ A SECOND TIME**.

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

Bill "An Act Concerning State Education Mandate Waivers"

H.P. 908 L.D. 1305
(C "A" H-358)

Which was READ A SECOND TIME.

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

Bill "An Act to Extend the Certificate of Need Program to All Major Medical Equipment"

H.P. 1051 L.D. 1524
(C "A" H-349; H "A" H-431)

Which was READ A SECOND TIME.

On motion by Senator BOST of Penobscot, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Bill "An Act to Protect Consumers from Unfair and Deceptive Telephone Practices"

H.P. 1134 L.D. 1659
(C "A" H-410)

Which was READ A SECOND TIME

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending PASSED TO BE ENGROSSED, AS AMENDED in NON-CONCURRENCE.

Senate

Bill "An Act Concerning Acquisition of Heating Oil Assets"

S.P. 701 L.D. 1869

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Allow for a Trailer Transit License"

S.P. 303 L.D. 812
(C "A" S-213)

Bill "An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years"

S.P. 453 L.D. 1229
(C "A" S-214)

Bill "An Act Concerning Health Insurance for Retired Teachers"

S.P. 541 L.D. 1439
(C "A" S-216)

Bill "An Act to Assist Municipalities to Design Growth Management Strategies That Are Compatible with Rural Landscapes"

S.P. 646 L.D. 1691
(C "A" S-219)

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

Sent down for concurrence.

Bill "An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment"

S.P. 386 L.D. 1063
(C "A" S-218)

Which was READ A SECOND TIME.

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-218).

On further motion by same Senator, Senate Amendment "A" (S-260) to Committee Amendment "A" (S-218) READ and ADOPTED.

Committee Amendment "A" (S-218) as Amended by Amendment "A" (S-260) thereto, ADOPTED.

Which was PASSED TO BE ENGROSSED, As Amended.

Sent down for concurrence.

Bill "An Act to Revise the Laws Governing Banking Institutions"

S.P. 608 L.D. 1612
(C "A" S-215)

Which was **READ A SECOND TIME**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-215).

On further motion by same Senator, Senate Amendment "A" (S-256) to Committee Amendment "A" (S-215) **READ** and **ADOPTED**.

Committee Amendment "A" (S-215) as Amended by Senate Amendment "A" (S-256) thereto, **ADOPTED**.

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

Sent down for concurrence.

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

Bill "An Act to Promote Long-term Economic Development" (Emergency) H.P. 1321 L.D. 1912

Comes from the House referred to the Committee on **HOUSING AND ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

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

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

SENATE PAPERS

Bill "An Act to Reorganize the Management and Regulatory Functions of State Government Pertaining to Natural Resources" (Emergency)

S.P. 730 L.D. 1915.

Presented by President **PRAY** of Penobscot
Cosponsored by Representative **GWADOSKY** of
Fairfield, Representative **LARRIVEE** of Gorham and
Senator **BERUBE** of Androscoggin
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

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

ORDERS OF THE DAY

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (Emergency)

H.P. 56 L.D. 77
(C "A" H-339)

Tabled - May 28, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, May 28, 1991, **READ A SECOND TIME**.)

(In House, May 22, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-339).)

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Regulate Certain Warranty Practices for Repairs to Watercraft"

H.P. 1319 L.D. 1909

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

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

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 28, 1991, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 13, 1991, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 23, 1991, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby this Bill was **PASSED TO BE ENGROSSED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-223) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED**, As Amended in **NON-CONCURRENCE**.

Sent down for concurrence.

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Create a Semipermanent Semitrailer Registration" (Emergency)
H.P. 765 L.D. 1099
(C "A" H-306)

Tabled - May 28, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, May 23, 1991, **READ A SECOND TIME**.)

(In House, May 20, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-306).)

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

The President Pro Tem laid before the Senate the Tabled and Specially Assigned matter:

Emergency

An Act to Appropriate Funds for the Save Loring Committee
H.P. 1239 L.D. 1805

Tabled - May 28, 1991, by Senator **CLARK** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 16, 1991, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, May 22, 1991, **PASSED TO BE ENACTED**.)

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

Senate at Ease

Senate called to order by the President Pro Tem.

Off Record Remarks

Senate at Ease

Senate called to order by the President Pro Tem.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1323

ORDERED, the Senate concurring, that Bill, "An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks," H.P. 1217, L.D. 1775, and all its accompanying papers be recalled from the Governor's desk to the House.

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

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

Off Record Remarks

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

After Recess

Senate called to order by the President Pro Tem.

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

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

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **VOSE** of Washington, **ADJOURNED** until Tuesday, June 4, 1991, at 4:00 in the afternoon.

Off Record Remarks

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

After Recess

Senate called to order by the President Pro Tem.

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

ENACTORS

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

Emergency

An Act Relating to Workers' Compensation Insurance Rate Setting

S.P. 729 L.D. 1914

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

Senator **ESTES** of York was granted unanimous consent to address the Senate off the Record.