

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
Monday
June 10, 1991

Senate called to Order by the President.

Prayer by the Honorable Dennis L. Dutremble of York.

SENATOR DENNIS L. DUTREMBLE: O Lord, on this beautiful day, the beginning of a very challenging few weeks, give us the wisdom to do the work of the people of this state with all that You have taught us. Amen.

Reading of the Journal of Thursday, June 6, 1991.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Fair Credit Reporting Laws"

S.P. 203 L.D. 530
(C "A" S-199)

In Senate, May 28, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199) AND HOUSE AMENDMENT "A" (H-573) in NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Reduce Littering"

H.P. 909 L.D. 1306

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

In Senate, May 28, 1991, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

In House, May 30, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255) AS AMENDED BY HOUSE AMENDMENT "A" (H-479) thereto, in NON-CONCURRENCE.**

In Senate, June 4, 1991, **INSISTED.**

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

Senator **CLARK** of Cumberland moved to **RECEDE** and **CONCUR.**

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session pending the motion by Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR.**

Off Record Remarks

Non-concurrent Matter

Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel"
S.P. 491 L.D. 1329

In Senate, April 24, 1991, the **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**

RECALLED from the Legislative Files pursuant to Joint Order H.P. 1327, in concurrence.

Comes from the House Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LABOR** in **NON-CONCURRENCE.**

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

Non-concurrent Matter

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)

In Senate May 30, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370) AND HOUSE AMENDMENTS "A" (H-387) AND "B" (H-430), in concurrence.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-370) AND HOUSE AMENDMENTS "A" (H-387); "B" (H-430) AND "C" (H-550) in NON-CONCURRENCE.**

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

The Following Communication: S.P. 746

115TH MAINE LEGISLATURE

June 7, 1991

Non-concurrent Matter

Bill "An Act to Annex the Town of Richmond to Lincoln County"

S.P. 683 L.D. 1811
(C "A" S-280)

In Senate, June 5, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AND HOUSE AMENDMENT "A" (H-549) in NON-CONCURRENCE**.

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

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to the Maine Constitution, Article V, Part 1, Section 8, G. Arthur Brennan of York for reappointment as Justice of the Maine Superior Court.

Pursuant to Title 4, MRSA Section 157, Ronald D. Russell of Bangor for appointment to the District III position of the Maine District Court and Edward Gaulin of Saco for reappointment as Judge at Large of the Maine District Court.

Pursuant to Title 4, MRSA Section 6, Sidney W. Wernick of Portland for reappointment as Active Retired Justice of the Maine Supreme Judicial Court.

These nominations will require review by the Joint Standing Committee on Judiciary 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 **JUDICIARY**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.P. 745

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

June 6, 1991

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

Dear President Pray:

This is to inform you that the nomination papers dated June 5, 1991 for the reappointments of Benton A. Milster of Temple and William H. Beardsley of Ellsworth to the Higher Education Students Financial Assistance Board are in error.

Pursuant to P.L. 1989, Chapter 698, this board is now called the Maine Education Assistance Board.

Sincerely,

S/John R. McKernan, Jr.
GOVERNOR

Which was **READ** and referred to the Committee on **EDUCATION**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1991 (Emergency)

H.P. 1334 L.D. 1927

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-575)**.

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

The Resolve **READ ONCE**.

House Amendment "A" (H-575) **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.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1991 (Emergency)

H.P. 1335 L.D. 1928

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-562)**.

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

The Resolve **READ ONCE**.

House Amendment "A" (H-562) **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.

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

Ought to Pass As Amended

The Committee on **MARINE RESOURCES** on Bill "An Act to Establish a Fund to Promote Lobster Marketing"

H.P. 818 L.D. 1172

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-364)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-364) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-364) **READ**.

House Amendment "A" (H-572) to Committee Amendment "A" (H-364) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-364) as Amended by House Amendment "A" (H-572) thereto, **ADOPTED**, in concurrence.

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

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Identification Cards for Persons 18 to 20 Years of Age"

H.P. 1073 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-492)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-492) **READ**.

House Amendment "A" (H-546) to Committee Amendment "A" (H-492) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-492) as Amended by House Amendment "A" (H-546) thereto, **ADOPTED**, in concurrence.

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

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

The Committee on **TRANSPORTATION** on Bill "An Act to Improve Motorcycle Driver Education"
H.P. 1026 L.D. 1499

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-457)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457) AND HOUSE AMENDMENT "A" (H-582)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-582) **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.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Promote the Emotional Health of Children During Periods of Stress"
H.P. 210 L.D. 301

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-407)**

Signed:

Senators:

GAUVREAU of Androscoggin
HOLLOWAY of Lincoln

Representatives:

FARNSWORTH of Hallowell
PARADIS of Augusta
COTE of Auburn
OTT of York
HANLEY of Paris
ANTHONY of South Portland
CATHCART of Orono
KETTERER of Madison
RICHARDS of Hampden

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

Signed:

Senator:

BERUBE of Androscoggin

Representative:
STEVENS of Bangor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. The Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-478)** thereto.

Which Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Child Support Law to Include Coverage for Children in College"
H.P. 803 L.D. 1149

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

Signed:

Senators:

GAUVREAU of Androscoggin
BERUBE of Androscoggin

Representatives:

FARNSWORTH of Hallowell
PARADIS of Augusta
HANLEY of Paris
ANTHONY of South Portland
OTT of York
COTE of Auburn
RICHARDS of Hampden
KETTERER of Madison

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520)**

Signed:

Senator:

HOLLOWAY of Lincoln

Representatives:

STEVENS of Bangor
CATHCART of Orono

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

Which Reports were **READ**.

On motion by Senator **CLARK** of Cumberland, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Improve Outdoor Lighting"

H.P. 824 L.D. 1178

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-455)**

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives:

KILKELLY of Wiscasset
JOSEPH of Waterville
HEESCHEN of Wilton
GRAY of Sedgwick
LARRIVEE of Gorham

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

NASH of Camden
LOOK of Jonesboro
KERR of Old Orchard Beach
SAVAGE of Union
WATERMAN of Buxton

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-455) AS AMENDED BY HOUSE AMENDMENT "A" (H-559)** thereto.

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-455) **READ.**

House Amendment "A" (H-559) to Committee Amendment "A" (H-455) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-455) as Amended by House Amendment "A" (H-559) thereto, **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Concerning Abandoned Property"

H.P. 462 L.D. 653

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-475)**

Signed:

Senators:

THERIAULT of Aroostook
MILLS of Oxford

Representatives:

MACOMBER of South Portland
STROUT of Corinth
HUSSEY of Milo
MARTIN of Van Buren
BAILEY of Farmington
HALE of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-476)**

Signed:

Senator:

GOULD of Waldo

Representatives:

BOUTILIER of Lewiston
SMALL of Bath
RICKER of Lewiston
TAMMARO of Baileyville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A"** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-475).**

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-475) **READ** and **ADOPTED.**

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

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

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 **TITCOMB** for the Committee on **ENERGY AND NATURAL RESOURCES** Bill "An Act to Amend the Classification of the St. George River"
S.P. 712 L.D. 1895

Ought to Pass As Amended

Senator **MILLS** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the Department of Public Safety"
S.P. 451 L.D. 1227

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-319)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-319) **READ** and **ADOPTED**.

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

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

Divided Report

The Majority of the Committee on **AGING, RETIREMENT AND VETERANS**, pursuant to Joint Order S.P. 681, on Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (Emergency)
S.P. 743 L.D. 1935

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

Signed:

Senators:

MCCORMICK of Kennebec
CLARK of Cumberland

Representatives:

HANDY of Lewiston
JALBERT of Lisbon
LAPORTE of Auburn
O'DEA of Orono
WENTWORTH of Arundel
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject, pursuant to Joint Order S.P. 681, on Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service, Provide for a Study of Retirement Benefits Provided to New Employees and Reserve the Right to Apply Future Changes to Employees Hired after July 1, 1991" (Emergency)
S.P. 744 L.D. 1936

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

Signed:

Senator:

WEBSTER of Franklin

Representatives:

AULT of Wayne
STEVENSON of Unity
MERRILL of Dover-Foxcroft
HEINO of Boothbay

Which Reports were **READ**.

Senate at Ease

Senate called to order by the President.

On motion by Senator **MCCORMICK** of Kennebec, Tabled until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages"
H.P. 1057 L.D. 1546
(C "A" H-447)

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

Senate As Amended

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

S.P. 708 L.D. 1884
(C "A" S-313)

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

Sent down for concurrence.

ENACTORS

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

An Act to Clarify the Tax Status of Nonprofit Nursing and Boarding Homes

S.P. 433 L.D. 1154
(C "A" S-168)

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

An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs

H.P. 86 L.D. 121
(H "F" H-247; S "A" S-58 to C "A" H-72)

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the farm stand sign Bill dealing with the Billboard Law we discussed in the past. I would like to have an opportunity to have a final vote on this in the Senate. We divided a very, very close vote last time.

I feel strongly about this because I feel strongly about what the Billboard Law has done for the State of Maine, making it a state that is shown itself to be progressive in the areas of cleanliness, and beauty, and following the laws of the Federal Government. I feel strongly about this because of the work that the Business Legislation Committee did during the early 1980's in hammering out the way this Bill would be administered, the amount of work put into it to make sure that it was fair, and yet kept to the spirit of anti-pluralization of signing along

the highways. I feel strongly because when it did begin to break down directional sign laws in the early 80's, I saw in the Business Legislation Committee at this time, I saw how quickly it got out of hand. When one group got an exemption, it went to another, and another, and we were on our way to really the end of the kind of Billboard control that we have today.

I would like to reiterate that the major study done on directional signs during the 1980's was done with the cooperation of all the people involved in the farm industry, apple orchards, lobster shacks, campgrounds and other recreational groups. A group that had exemptions, farm stands for one, and others who gave them up to get greater concessions from the Department of Transportation and the Federal Government in the way signs were designed, what they cost, and how they were placed. The side directional signs you see along the road today, their variety, their ability to display a persons goods, all came out of that study, that implementation of their work and some of the people who have gone after this today were the ones who were willing to take those concessions and make that part of their work years ago. I think it is unfair of them to come back now and undue their work. Therefore, I urge all of you to vote to Indefinitely Postpone this Bill and to keep our Billboard Law and Directional Sign Law in the very fine condition that it has been in for the last eight or ten years. Thank you Mr. President.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just as a reminder, this is the original "Little guy Bill" that we had in the Senate this year. If you remember, this would allow our small farmers, especially those who live in the real rural Maine, those who live off the beaten path, this would allow them to erect the few small signs, directional in nature, to their place of business. This Bill has had so many scuds fired at it that it is almost unbelievable, but luckily the Patriots have been vanquished so far, and I hope that they will continue. I want you to understand that this practice is used by some of our small farmers today. It is being done illegally. What is tragic about it is, that in some parts of the state the enforcement is overlooked, and these small farmers are able to get away with it. In other parts of the state, it is strictly enforced, and they can not get away with it. This would allow all of our small farmers to erect these small signs.

Quite often the term Billboard has surfaced. This is not a law to allow Billboards. I want you to understand that this is just a bunch of smoke to take our attention away from the real issue. The real issue is small signs, directional in nature, for rural Maine's farmers so that they can continue to scratch a living from their land. So I hope that you will vote against this motion to Indefinitely Postpone this Bill. 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. Mr. President, I would like to pose a question to the Chair, the Chair of

the Joint Standing Committee on Transportation . My question is, what was the recommendation of the Travel Advisory Study Committee regarding Maine's traveler information law, and when was their report shared with the Legislature? Are the recommendations of that Travel Information Advisory Committee on this topic different than the contents of this measure, and if so, what are the differences? Thank you Mr. President.

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Advisory Committee submitted a report earlier in the session, maybe March or so. I forgot exactly. In their report, they said that farmers should be allowed to have signs. They said the signs that they allowed could not cover an advertising area of more than 32 square feet. Well, we have had Public Hearings, not necessarily to endorse what is before us. If we could not listen to the public testimony and take action accordingly then, we could do away with Public Hearings. During the Public Hearing, it was shown to us by those who would be using this law, that the number of signs that was proposed really did not solve the problem, because most of these small farmers are off the beaten path and need several signs. In keeping with the spirit of the report, to keep it to 32 square feet, we decided to allow four, 8 foot signs that would keep with the 32 square feet guidelines. So yes, it does vary from the report, but not in total advertising area. Thank you.

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

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

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

THE PRESIDENT: 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 any member of the Body who would care to answer it. My concern as far as this amendment which I was reading, Committee Amendment 72, to the Bill, which was deviated from the Travel Information Advisory Council's recommendations, it says that the paragraph applies only to farmers who are primarily selling their own produce, raised on their respective farms, and not for commercial fruit and produce stands. I had mentioned earlier in the debate that there were some farmers who were selling their own goods, and also importing goods from commercial distributors, and supplementing them with their stand sold vegetables and fruits.

Is there going to be any fiscal impact on the Department of Transportation that is not already there now, to go around and make sure that the people that are, in fact, selling their wares under this

particular section are, in fact, obeying the amendment that has been offered?

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. To answer the question, the enforcement provisions are in effect today. The same individuals will be enforcing the law. There will be no increase expenditures. They are already out there doing it.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The Business Legislation Committee has a Bill which is reviewing, which is going to allow for real estate signs to be allowed on non federal aide highways, and one of the concerns that were raised, is that in some areas of the state where that Department of Transportation was located, that they do police and make sure that the signs aren't up, but there are other areas where there are signs of competing real estate agencies, and they are not enforcing the law in those sections. My question would be, how much of a relocation within the Department of Transportation to ensure that in these particular areas, which may be less populated that they are going to have to visit, and make sure that they are not already doing it, it is one thing to say that they are already enforcing a law, but right now the enforcement, at least to the Committee on Business Legislation was unequal, so how is this going to be repaired with this particular Bill?

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The fact that the Department of Transportation is not enforcing this law equally throughout the state is not the subject of this Bill. Also, real estate is not the subject of this Bill. This Bill deals with small rural farmers who want directional signs to their farms in order to sell their goods and continue to scratch a living off their land. As far as I know, there is no additional expense, because these people are already on the road. They are enforcing the laws that we have today for all signs that we have.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. May I pose a question to the Chair of the Transportation Committee? Has the word "primarily" been deleted from the Bill through an amendment? My second question would be whether or not these signs would be on the right-of-way?

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

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Some of the words that have been added are in the other Body. In this amendment is one of those scuds I am talking

about. It is an attempt to make the Bill less palatable, so that we would take another look at it. We have been around here long enough to know that not all amendments are friendly. This is not a friendly amendment. It is an attempt to make the Bill less palatable, but regardless, it is palatable enough to go with it. There was another question of right of ways. The Bill allows these signs to be erected on state highways, not on federal highways. Thank you.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I very much appreciate the answer to my two questions which I posed to the Chair of the Transportation Committee. I would note that before we take action on this Bill and do so on the basis of the recommendation of the Travel Advisory Council, which reported to the 115th Legislature, that the first and foremost Chair of that Council, Marian Fuller Brown, has been very active in attempting to defeat this Bill. I think this should send a message of one sort or another to members of this Body. Secondly, I am looking at the report on my desk, two changes have been made since. Whether they were from a "scud" missile attack or "Patriot missile" attack, or whatever, nevertheless, friendly or not, two very substantive changes have been made since the legislation hit the floor. The recommendation on page four of the report states, "Signs erected by farmers advertising fresh fruit and varying vegetable crops in season from June 15th through November 1st of each year. Those signs must be erected on private property with the landowners permission. Signs must be removed before November 1st. This exemption shall apply only to farmers primarily selling their own produce raised in their respective farms, and not commercial fruit or produce stands." Obviously, the two substantive changes are as follows: We will be allowing through passage of this legislation signs to be erected virtually everywhere, whether on private property or on the side of our public highways. Secondly, this doesn't necessarily need to be a farmer who is primarily selling one particular crop. He or she could be selling something nonagricultural in nature, and could be, in fact, luring consumers to a road off the beaten path and selling anything from used cars to anything under the sun. I think this is an unnecessary broadening of the original language that has been suggested by the Commission, and I certainly hope whether this had been attached by a friendly amendment or an unfriendly amendment, I certainly hope that members of this Body will see this Bill for exactly what it is, and support the motion to Indefinitely Postpone.

THE PRESIDENT: Senator **THERIAULT** of Aroostook requested and received leave of the Senate to speak a fourth time. The Chair recognizes the Senator from Aroostook, Senator **THERIAULT**.

Senator **THERIAULT:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I need to remind you what this Bill is all about. This Bill would allow our small farmers to sell their produce off their farms. That is what the intent of the Bill is. That is what the Bill does. This was an unanimous Committee Report, and I hope that you will vote against the motion to Indefinitely Postpone, and to allow it to be enacted.

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

A vote of Yes will be in favor of the motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, ESTES, ESTY, FOSTER, KANY, LUDWIG, MCCORMICK, RICH**

NAYS: Senators **BERUBE, CAHILL, CARPENTER, COLLINS, DUTREMBLE, EMERSON, GILL, GOULD, HOLLOWAY, MILLS, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

ABSENT: Senators **BRAWN, GAUVREAU, MATTHEWS, PEARSON**

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator **BRANNIGAN** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED**.

Which 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 Revise the Membership of the Committee to Advise the Department of Human Services on AIDS
H.P. 1242 L.D. 1808

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, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices

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

Comes from the House **FAILING OF ENACTMENT.**

On motion by Senator **TITCOMB** of Cumberland, the Senate **SUSPENDED THE RULES.**

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

On further motion by same Senator, Senate Amendment "A" (S-320) **READ and ADOPTED.**

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to have objected to the Suspension of the Rules, but I did not want to do so out of courtesy to my esteemed colleague. Besides I probably wouldn't have had the votes. I do object to Passage to be Engrossed of this Bill, and I do object to Enactment. I believe that this Bill will weaken our Solid Waste Management Law, the law that has been nationally acclaimed because we actually were providing a law that was working. We were dealing with a crisis. We are attempting to deal with that crisis, and this is just one more way to weaken this Bill. It will allow those wonderful little plastic connectors to be sold in the State of Maine, and they were to be banned as of July 1st. Those who are very much interested in this understand that they did not have the votes to enact this repeal to the ban prior to July 1st, when the ban goes into effect. They were very eager to have that Emergency Enactor removed. We don't need to contribute to the weakening of this law. We don't need to smile as we allow the weakening of our Solid Waste Management Law and the proliferation of plastic rings. Evidence has shown it has killed birds and other wildlife, and containers can be easily replaced with paper cartons or paper six pack holders. I don't believe that it is so imperative for the people of Maine that they need to have these rings and I object to them. I strongly object to them and the weakening of our Solid Waste Management Law. It is for this reason that I ask for a Roll Call so that I can vote against this pending measure.

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

Senator **LUDWIG:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I hadn't intended to address this subject today, but I do feel I must rise at this point to assure you that the members of the Energy and Natural Resources Committee who were there when the Solid Waste Law was enacted, changed their

minds this year when it was proved to them that a new technique exists which will actually change the molecular makeup of plastic, and enable bottle or cans to be moved from a six pack holder, and break the seal as they do so. If you have been to the store lately and picked up any soft drink, you will notice that there is quite a change already in the manner in which it is made. There are some which are simple slits across the top, a much lighter, much more pliable plastic than was available last year when we initially included them in the Solid Waste Bill. There is another type, also an experiment, because the plastics industry, while it was slow to get moving, recognized that we mean business in the matter of getting rid of anything which will entangle birds and animals. They have made a good faith effort to come up with a better product, and convinced us that within a year they will have a product that can go on the shelves, and do away with any previous fears we might have had about the things which disturbs everyone so much, which is the idea of harming birds and animals. There are new techniques coming along all the time. We like to stand up for what we believe in, but we also think it is very narrow minded and short sighted to deny any industry a little time to prove that they have reached and met our concerns. I stand today to ask you to have faith in the present Energy and Natural Resources Committee, which did vote by a large majority to allow the plastics industry one year to come up with the answer, and we made it very clear to them that if they cannot come up with a proper product within that time, that we don't ever want to see them again. They got the message. We have faith that they will come up with something, and I hope that you will allow them to have that chance. I ask you to pass the Bill as presented to you today. Thank you.

THE PRESIDENT: Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator **TITCOMB:** Thank you Mr. President. Ladies and gentlemen of the Senate. I will not belabor this issue, but I would like to say that I do concur with my fellow Committee member, the good Senator from Aroostook, Senator Ludwig. I would ask you to support this piece of legislation. I will tell you that we have worked long and hard on it. When we first went into it we had many mixed emotions, but it is true that the industry has brought back to us the six ring proposal that would break apart, and it was clearly written in the legislation it would break apart upon removal. We have given the industry one year, if they have not come back with something that is totally palatable to everyone, then as the good Senator stated it will be history.

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

Senator **KANY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Once again I rise to ask you to vote against the pending motion. I just wanted to mention that two years ago the industry knew that they had two full years before the ban would go into effect this July 1st. They could improve upon their products, which at that time they said were either biodegradable or would disintegrate with the sun, neither of which proved true, especially here in Maine with our cool, damp climate. One particular member of the Committee, at

that time, put one of the plastic connectors they said would disintegrate from the sun on his barn, and after a full year it had not disintegrated at all. They have had plenty of time, and in addition, there is no reason why that research cannot be done outside of the state. If this passes with the emergency off, the ban will be effect for three months, and we already use paper cartons to a great degree, and I see no reason why we should have to give in to this industry that did not live up to its advertisements then, two years ago, for disintegration of the connectors. I see no reason at all, and I would hope that we would not weaken our good law with such a terribly weakening amendment as this.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let us step back away from this little issue of the rings and look at the larger waste issue. When you see communities coming in and saying, "We don't want a dump in our area, we don't want this in our area". When you look at the waste stream, and you are trying to reduce what is in the waste stream, you are trying to recycle what is in the waste stream. Shop-n-Save stores are taking these rings back and they are recycling them. The industry itself is coming up with the new plastic ring. The old yolks are still banned. These newer ones go down the sides of the cans longer, so you have to in order to get the can out. You have to tear the plastic out, and it breaks the neck. It is not foolproof, but they are continuing to work on it. They had initially proposed a two year extension, and now, we as a Committee, have decided that two years was to much. We would give them a year, and would maintain the ban on the yolks, and allow for the experimental yolks to go into place. There are six times less waste. That is six times less waste going into the waste stream. They are being recycled, and that to me was my ultimate goal to cut down on the concern that communities and citizens have for dumps, and what goes into dumps. We must recycle and reuse as much as possible. I hope that you would support the motion, remembering that this is the prohibition stage in place, and this is only for the newer designs, and they have a year to report back in a study that is very detailed, and was outlined by the good Senator from Cumberland, Senator Titcomb, the Chair of the Energy and Natural Resources Committee. Thank you Mr. President.

THE PRESIDENT: The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAHILL, CARPENTER, CLARK, CLEVELAND, COLLINS, DUTREMBLE, EMERSON, ESTY, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, MILLS, RICH, SUMMERS, THERIAULT, TITCOMB, TWITCHELL, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BOST, CONLEY, ESTES, GAUVREAU, KANY, MATTHEWS, MCCORMICK**

ABSENT: Senators **BRAWN, PEARSON**

26 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being absent, this Bill was **PASSED TO BE ENGROSSED, as Amended** in **NON-CONCURRENCE**.

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

Under suspension of the Rules, Non-Concurrent Matters (1-1) and (1-4) ordered sent forthwith to the Engrossing Department.

Under suspension of the Rules, Non-Concurrent Matter (1-3) ordered sent forthwith to the Committee on Labor.

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

ORDERS OF THE DAY

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 Amend the Laws Pertaining to Asbestos Removal" H.P. 937 L.D. 1357

Report - Ought to Pass as Amended by Committee Amendment "A" (H-579)

Tabled - June 6, 1991 by Senator **CLARK** of Cumberland

Pending - **ACCEPTANCE** of Committee Report

(In Senate, June 6, 1991, Report **READ**.)

(In House, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).**)

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

Senate at Ease

Senate called to order by the President.

HELD BILL

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

Senator **CLARK:** Mr. President. Is the Senate in possession of L.D. 1804?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senators request.

On motion by Senator **CLARK** of Cumberland, the Senate **SUSPENDED THE RULES** and **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:

Bill "An Act Concerning the Bonding Authority of the Cumberland County Recreation Center"
H.P. 1238 L.D. 1804
(C "A" (H-537))

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537)**, in concurrence.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-537), in concurrence.

On further motion by same Senator, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-537), in concurrence.

Off Record Remarks

ORDERS OF THE DAY

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

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
(C "A" S-180)

Tabled - June 6, 1991, by Senator **CLARK** of Cumberland

Pending - **FINAL PASSAGE**

(In Senate, May 22, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-180).**)

(In House, June 4, 1991, **FINALLY PASSED.**)

On motion by Senator **DUTREMBLE** of York, Tabled Unassigned, pending **FINAL PASSAGE**.

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

Bill "An Act to Require that Staff Management Companies Register with the State"

H.P. 704 L.D. 1008
(H "A" H-543 to C
"A" H-438)

Tabled - June 6, 1991 by Senator **CLARK** of Cumberland

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

(In Senate, June 6, 1991, **READ A SECOND TIME.**)

(In House, June 4, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-438) AS AMENDED BY HOUSE AMENDMENT "A" (H-543)** thereto.)

Senator **BALDACCI** of Penobscot moved **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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

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

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

On motion by Senator BOST of Penobscot, RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Reduce Littering"
H.P. 909 L.D. 1306

Tabled - June 10, 1991, by Senator CAHILL of Sagadahoc

Pending - the motion by Senator CLARK of Cumberland to RECEDE and CONCUR

(In Senate, May 28, 1991, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.)

(In House, May 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255) AS AMENDED BY HOUSE AMENDMENT "A" (H-479) thereto, in NON-CONCURRENCE.)

(In Senate, June 4, 1991, INSISTED.)

(In House, June 5, 1991, that Body ADHERED.)

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator HOLLOWAY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I do hope that you will reconsider your opposition to this Bill since we now see the new amendment. It says that there will only be fines to those of twenty or more who intentionally release twenty or more balloons into the atmosphere. I do wish that you would consider this to be the little problem that it really is. I hope that you will listen and change your mind, and vote along with the other Body. Thank you.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that you would vote against the pending motion of Receding and Concurring, and that we would finally be able to deal with this particular matter. 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. Speaking as the individual Senator from Senate District 26, and

representing the interests of a highly organized, and highly visible caring about kids environment, an organization which has effectively promoted the banning of chlorofluorocarbons, polyethylene containers at McDonalds in Freeport, Maine. This is the beginning of a movement across the state. I must support the present motion of Receding and Concurring with the other Body. Suffice it to say balloons litter, and that current balloons that people buy for major balloon events, which are indeed exciting and impressive in display, would be prohibited under this Bill in its present form in the amounts of more than twenty released intentionally into the environment. But the balloons we think of being released today are a little different from the balloons of yesterday. These balloons are preplugged, and they have a protruding plastic...

THE PRESIDENT: The Chair would advise the Senator that she should not use a prop.

Senator CLARK: I just happen to coincidentally, Mr. President, have a balloon, and when the balloon is inflated with helium, and the balloon floats up when released in aggregates of twenty or more, if the members of this Senate were having a picnic, and there are thirty-five members of this Senate, indeed if we all had a balloon, and we all released it at the same time then we would be breaking the law if this law were to pass. If however, a few of us let those balloons go unintentionally because they were not fastened to our wrists, as we usually tie slip knots to little people's wrists at events where balloons, even political forums where balloons are frequently visible, no one would be breaking the law. But if the Senate had a picnic, this Senate would also not throw its paper plates, paper cups, and plastic utensils on the ground, would it? Is the difference that much greater? Do we allow littering with paper plates, and polystyrofoam paper implements, and plastic eating knives and forks? No. We call that littering. And I suggest that the deliberate release of over twenty helium filled balloons that are nonbiodegradable, that contain plastic plugs that stick out from the neck of the balloon by over one inch, and to which are attached ribbons or string constitute littering. We have made very little of this, and I submit have trivialized it because the genesis of this legislation were young people within Maine's public schools.

Many of us are still smarting from the boiled lobster, the dead lobster which is now affixed on Maine's license plates. The two issues are not even related. Littering whether it is release of balloons in the air is no less acceptable than the fact that at picnics people would be allowed to throw their refuse on Maine's land. These balloons not only come to rest on Maine's land, but perhaps Maine's sea, and there they may be ingested in animals or marine life, and there they may be picked up at the cost of taxpayers, and there they may deface the beauty of Maine's landscape, certainly, no less than the littering that all of us are so unalterably opposed. I submit that yes, indeed, we have discussed this issue at length. But, in fact, it is no small littering component within all that rests in Maine's landscape and water. Please reconsider your position on this issue. Thank you.

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

Senator **TITCOMB**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Just briefly I would like to add my support to the concern that twenty or more balloons that are intentionally released at one time should, in fact, be a concern. If we don't do something as a state to limit the number of balloons that are purchased, filled with helium, and intentionally released, then we will continue to have Universities releasing twenty-five thousand balloons, as has happened in the very recent past. Where is the limit going to be? Where are we going to say that a certain number are too many? Maybe twenty is a good number to say that we should release no more beyond that point. Unless we set a standard we leave the door open to thousands of balloons to be released at any one time, at any celebration, for a matter of few seconds of visual enjoyment. I think this is an issue that has almost been turned into a joke in the press, and it is not a joke, it is a very serious concern, and there are animals and creatures that are a risk, and there is also a litter issue that is at risk. If we are not going to take some stand at all, then don't gasp when you may see ten thousand balloons or more being released at a football game. It will happen, and will continue to happen. Thank you.

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

Senator **LUDWIG**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not intend to speak on this again, but I do think that it is very important that you defeat the pending motion today. Senator Baldacci, the good Senator from Penobscot, listed a number of items which had been picked up as litter recently on beaches and other places. Among the items listed we didn't see a single balloon. If you can honestly tell me that at any time in the recent past that you have discovered a balloon scrap on your property, I would like to know about it. I think if it is a great concern to you, then you should vote for the pending motion. We have very good proof in our Committee meeting that this is a biodegradable substance. Latex is a natural substance which does degrade at the same time as an oak leaf. After several experiments and as a natural substance, it does pass through those few animals who might be attracted to a scrap of color and decide to ingest it. There is no health problem. There is no real litter problem. I think we are making entirely too much of trying to please some children who meant well, but who were not working with all the facts. I hope that you will not make us the laughing stock of this state by passing such a Bill. Thank you.

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

Senator **CLEVELAND**: Thank you Mr. President. Ladies and Gentlemen of the Senate. When this Bill first came before us I was one of those who opposed it. Since that time I have really had the opportunity to listen to those others, and what I found was, that sometimes as I intend to be, it is that I am too analytical, I am to judgmental. I tend to dissect things to the nth degree far to much. I find this Bill to be really quite simple. I learned this from school children, and I learned it from my own two year old this weekend. This Bill is really about where we live, this planet Earth. We would no

more take balloons, or any other substance, and just discard them around our home. We should look at our planet as our home. I was reminded of that again by the children. This is not an issue of whether a balloon gets caught in an animals digestive tract. It is not an issue to the degree to which it harms it. It is really simply an issue that balloons are litter, and when you release them they do not disappear, they ultimately come back to our home in one form or another. We may or may not immediately detect them, but they are out there for some period of time. The issue of whether twenty, nineteen or twenty-one is the right number is really inconsequential. The point of the Bill is, to say that the small incidental occurrences when children haven gotten the balloon at a fair or carnival accidentally loses it, it happens to all of us, is not going to be a crime. Those incidents where there are massive releases of balloons should not be a policy of this state. I think that we realize that this is the planet Earth, and that we try to protect it, and by releasing large amounts of manmade products which are not collected and disposed of properly is a form of littering in our home. I will now support the motion, and I hope all of you will look at it in a lot more simple perspective, and not look at it for what might be ridiculed in the press. It is a simple idea. Lets treat "Mother Earth" as though we respect it, and this will go a long ways to do that. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR**.

The Chair ordered a Division.

Will all those in favor of the motion by Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR**, please rise in their places and remain standing until counted.

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

12 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator **CLARK** of Cumberland to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **ADHERED**.

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

Bill "An Act to Annex the Town of Richmond to Lincoln County"

S.P. 683 L.D. 1811
(C "A" S-280)

Tabled - June 10, 1991, by Senator **CLARK** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, June 5, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280).**)

(In House, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AND HOUSE AMENDMENT "A" (H-549) in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, Tabled Unassigned, pending FURTHER CONSIDERATION.

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

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act to Promote the Emotional Health of Children During Periods of Stress"

H.P. 210 L.D. 301

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-407)

Minority - Ought Not to Pass

Tabled - June 10, 1991, by Senator CLARK of Cumberland

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 10, 1991, Reports READ.)

(In House, June 6, 1991, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED. The Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-478) thereto.)

Senator GAUVREAU of Androscoggin moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence.

Senator BERUBE of Androscoggin requested a Division.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. What we have before us this afternoon, is a Divided Report from the Committee on Judiciary. It is rare that my colleague and good friend from Androscoggin, Senator Berube and I would disagree, but we do on this particular issue.

Let me preface my remarks as follows. It is my belief that the disagreement on these issues that are embodied in L.D. 301, is greater outside our Committee than it is within our Committee. That is to say, that I think that the Committee members understand and respect each others points of view. L.D. 301, if adopted, would allow our Court system to develop a two year pilot project in Androscoggin, Cumberland, and York counties. The pilot project would direct itself to domestic relations or divorce cases. Specifically, it would allow the Court to require divorcing parents to take part in a four hour educational program. The program would really address the issues of the effect on children in

divorcing families, to impress upon the divorcing parents the adverse effects on children in the divorce process, and to develop common respect and understanding, so that the children would not somehow be unintended victims, or intermediaries in the battle going on between husband and wife.

There were during the course of the Work Shops on this Bill, legitimate concerns raised by opponents, who asked about a mandatory participation program. Concerns were voiced specifically from advocates, abused parents, or abused women. The concern here was, that we do not want to take action which would defer or delay abused parents in getting divorced. We don't want to somehow put those people in a very difficult position, requiring them to take an educational program with their abuser. That is a very legitimate, a very appropriate objection.

The Committee has dealt with this issue, as has the other Body. If you take a look at the Bill in front of you, with its various amendments, you will see that, and House Amendment "A" (H-478) in particular, the Court is directed in developing the regulations governing this program. The Court is directed to adopt a waiver program, and in fact, to be sensitive to particularly the needs of abused parents. It is a very legitimate concern.

The other concern that was raised was, that somehow this project would delay the divorcing process, or add yet another element of cost onto the project. In this, I think we do disagree. To my knowledge, there are two other programs that are currently operating in our country. One out in the mid-west, and one in Cobb County, Georgia, the home of the Georgia Peach, Ty Cobb. The Cobb County experiment was described in detail to our Committee. And not surprisingly, some of the same concerns that are being raised in Maine about this project were raised in Georgia. What I found most striking and surprising about the Georgia experiment, however, was the broad base support for the program after it was up and running. That is to say, parents who took part in the program were surveyed, and they were questioned on whether or not the education program was good, was it valuable, and would they recommend it. To our surprise, not just most, but just about all the people that took part in the program thought it was a good idea, and would recommend that it be required of other divorcing parties.

In my view, and in the view of the majority of the signers on this Report, this Bill would actually promote resolution of issues outside the Court. It would hopefully reduce litigation. It would certainly reduce the ill effects on children of divorcing parents. We believe that the Majority Report, as amended by the other Body, is a balanced piece of legislation. Bear in mind, that this is a Bill calling for a demonstration project, a pilot project two years in length. At the end of two years, the Committee on Judiciary will review the project to see its effect. It seems to me, overall the program is balanced, and for these reasons, I would ask that you support the Majority Report this afternoon. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator FOSTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. I am very confused. There is a program of mediation in the Court system now that all monies collected on mediation goes to the General Fund. The mediators are not employees of this state, they do it for a very small amount of money, and they are not lawyers. It brings about \$250,000 into the General Fund, and as part of mediation, parents talk about the problems of their children, they talk about their rank cards, they talk about their churches, they talk about trying to get along, and for years it has worked. And if, indeed, we need stress management, it probably could be put into the mediation of the Court system.

But ironically, the Judiciary Committee, on coming to the Appropriations Committee, gave a recommendation to do away with mediation in the Court system, because of the cost. There is no cost to the system, and I guess I was really surprised to see today why they probably want to do away with mediation, as they have got another project that they are supporting on stress management. We talk about stress management, I think there is a lot more stress for children whose parents abuse them. If you are going to have a course on stress management, I suggest that is what you look at. I think there are a lot more problems of stress if the parents lose a job. If you want to go into stress management, how about stress of bankruptcies, and child abuse. Are there are any courses that mandate that you go to stress management when your child has been physically abused? I don't think so.

I think it treats divorcing people differently. It is sort of like the DEEP course. If you are arrested for drunk driving, you go to the DEEP course. You have broken a law. But, if you want a divorce, does that mean you have got to be mandated to take a course in stress management for your children? It also sets a double standard, because people have got to pay to go to this course. The state doesn't get any money. It goes to whoever is going to run the management course. I assume, by looking around at the lobbying that I have seen, that is already pretty well set up to go.

I am really confused, and any help to enlighten me would be helpful. The Court system loves mediation and a lot of the lawyers do, there are some that don't. But mediation has worked. It has made the Judicial System run smoother, faster, and if during the course of mediation one would like to speak upon stress, that is the forum to do it. I would like to move Indefinite Postponement of this Bill and all accompanying papers.

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

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to share with you my personal reasons, some of them at least, that I differed from people on our Committee relative to this. As you know, I did not support this mandate.

It is well meaning whenever we deal with children, and elderly, and abused, of course, there are always needed programs. There is a question of cost. There will be a \$30 charge, as you heard earlier, for a four hour class. People who cannot afford to participate, can get a waiver if they are income eligible. It was estimated at the Public Hearing that 25%, approximately, would be eligible for a waiver, which tells me that the \$30 will not go very far. There will be costs of the new Directors' salary, and other benefits. There will be costs of the security guard, which will be mandated at all meetings, and that is in the proposed rules. There will be the costs of the instructors, and other incidentals. I suspect that in one year we may very well have a Bill before us to the effect that they need money from the General Fund of this state. That is one reason why I am not supporting the Bill.

Secondly, I don't feel that the Court's should mandate a program for people to participate within a private organization program. I don't think that is quite right. Further, it is my understanding from discussions earlier today, that the Court's presently have the discretionary authority to recommend, and even mandate to participants in a divorce case to go to counseling or to attend existing courses. That was another reason why I could not vote for this. Also, the course content may differ from people's private religious views regarding family values. That is a comment that I heard. People can be exempted for various reasons, if the Court so obliges. However, if you were one of the parties involved, you would have to appeal to the Court for an exemption. I suspect that you would need a lawyer to intercede with you to the Court. That could cost money, I don't know, but it could. The Court would then defer the decision, and I see the lawyer's laughing, but I am sure most of them work out of the goodness of their hearts, but the Court would defer the decision of that exemption to the Director of the Program, if the Director of the Program requests, all well and good, the person would be exempted. If the Director of the Program did not give exemption, then the party involved would again have to go to Court and appeal. That is written in the rules. But nonetheless, you see the added costs along the way, and you haven't even started getting the program yet.

I want to reiterate that the children are not involved in this parenting program. I also was puzzled to see that there was no process of evaluating the program that is its impact on the children after it became effective. Someone asked me in the corridor who the sponsors of the program were. I looked at my notes, and it says that it is an organization called "Resources for Divorced Families" that is the sponsor of this program which is called, "Parenting Education for Divorcing Families". The rules have already been drafted. They were given to us at the Public Hearing. In the rules is written that the Court may take appropriate action if the course is not satisfactorily completed. One of those actions is, that they would not give the divorce decree if the program were not completed to the satisfaction of those four hours, and you would not get your certificate to present to the Court.

Something that really astounded me when I asked why some of the rules that they were sharing with us, some of the contents were not in the legislation that was before us, and the answer was, "It is much easier to mandate by rule than it is by statute". I don't know how you feel, but I don't think Maine is ready for that type of mandation. I said that they presently can do this voluntarily, and they do, indeed. I picked up a community news notice, it wasn't a paid advertisement, but was news in the Lewiston Daily Sun of the 25th of May, with the title of "Education Program Focuses on Divorce", and it explains here that a four hour educational program for parents, etc., would be held on June 22nd, the session taking place at St. Mary's Hospital on Campus Avenue, between 8:30 a.m. and 12:30 p.m.. People are invited, it is \$30 an hour, and those who want a registration form can write to Parenting for Education for Divorcing Families, P.O. Box 10765, Portland, Maine.

The reason why I mention this is, it is already being done if people want to participate. So why we have to mandate it, I don't know. Again, I am sure that it is well intentioned, but I feel that it goes too far in delving into the personal lives of the people of our state. I will support the motion to Indefinitely Postpone. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise basically in response to the comments made by the good Senator from Hancock, Senator Foster. The reason I rise is, because as an attorney who has practiced in the Portland area for about ten years now, Senator Foster, long before she became Senator Foster, was known in my area as the "Mother of Mediation". The good Senator from Hancock, Senator Foster, is the person who is solely responsible, and I greatly credit her for getting legislation on the books pertaining to mediation, which is what people going through a divorce, if they have children, must attend before they can get before the Judge to have their divorce processed. It is mandatory! They must go through it.

I was never a believer in the mediation process. I thought that was an attempt to tamper with what belonged in the Court's jurisdiction, and was for the Court's to work out. But I have become a believer in mediation. I think it is the single, most effective tool in getting people to sit down, and talk about their problems, particularly, the problem of what divorce will do to their children. The majority of divorce cases I have handled have been settled at the mediation table. This law has worked! And it worked because it is a mandatory requirement that people get into the program. They have to go through it before they get a divorce. I never thought it would work, but I have turned completely around on that issue.

This program, which has gone through the Judiciary Committee, and I have not been involved with, I told people that work with it, that I was skeptical when I first looked at it, did not know if it would work. I have been made a believer that we should give this program a shot. Anything that is

going to get people to realize what problems that their kids are going to have by them getting divorced is something that is worthwhile. It is something that we should attempt. We started mediation in a pilot form, and it is now statewide. I don't think that there is anybody involved in the system in the state that wouldn't say that the program is working. I think that we should give this program a chance. The people who have organized it, who have been working with it on a voluntary basis at the moment, have done a good job. I don't think anyone on the Committee would have heard a negative report about this program and the way that it has worked so far. I know that people don't like to see things be mandatory. Nobody likes that. But mediation, which is nothing more than the forbearer of this program, is mandatory, and it has worked. For all those reasons, I think we should go along with the Senator from Androscoggin, Senator Gauvreau.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I began by saying that I was confused because I was getting confusing messages from the Committee on Judiciary, who are in one breath telling me to do away with mandatory mediation, and then coming up with mandatory stress courses.

I say to you, if there is need for this, that if they look again at mandatory mediation, and perhaps include something to that degree in that piece of legislation, rather than do away with that, I guess that is what bothers me most about this, that if you are going to look at things that cause stress in children, there are many other areas in include, not just divorce.

What leads me to believe that there is an organized attempt, and probably under way to do this already, and that upsets me, I think that stress could be very easily taken care of in mandatory mediation. I think, indeed, if you are going to have people going to courses on what stress does to their children, there are other areas that are as important. That is my reason for objecting to this Bill, and I hope that you will vote with me. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I have the pleasure and the honor of working part-time in my spare time as mediator for the Court system. One of the things that I observed in the last two years that I have been working in this program, is that there is tremendous need for parents going through divorce to have access to information regarding appropriate ways and mechanisms to deal with their spouse they are divorcing, and avoiding using the children as tools within that process. Often times in mediation, we are asked for advice. We are not trained as family counselors. We are not trained in this area, although we try to direct them to the meager resources that are available. Often times those resources are private counselors who charge \$50 or \$100 an hour for counseling services, which many

families who desperately need it have no resources, particularly, as they are going through a divorce, to afford those kinds of services.

This is an opportunity to look at an alternative kind of means of providing those parents an educational process, a one time, of four hours, by trained, professional, and experienced individuals, who both understand the process of divorce, and also, understand parenting issues, to provide not value judgments, but rather information on how to deal with those many issues that occur, when you are divorced, and children are going from one parent to the other during a visitation schedule, or in other parenting issues that occur when you are no longer married.

I would like to point out to the Senate that this is a pilot program, that it sunsets July 1, 1993, unless the Legislature takes positive action to continue, the program will be discontinued. It will have an opportunity to be evaluated, I understand, by the University of Southern Maine, which is donating its services to review the process that it has done. This is not a program that is untried. The State of Georgia has tried the program, and when they evaluated from the participants themselves on the mandatory program, 98% of the participants say that it was an extraordinarily worthwhile and useful program, and they would recommend it to others going through a divorce. There are also provisions for those individuals, who for one reason or another, couldn't afford the fee, and that fee could be waived, not by a Judge, not by necessarily getting an attorney, but speaking to whomever the Director may be, by either writing or calling, explaining the situation to them, and getting a waiver. That would also occur for any particular hardship problems, or transportation issues. If you were an abused spouse, and felt that it was inappropriate, you could also ask for a waiver. So many of those legitimate concerns which I support have been addressed in the amendment.

I think this is a program that is well worth it from what I have seen in my direct experience working with these families, there is a tremendous need for it. The costs of this kind of information would be far less at the \$30 fee than attorney's fees to try to mediate the problem than the costs of the Court's when the individuals return to the Court trying to get a litigated or legal solution to it, or private, professional counseling at much more per hour. I would hope that you would give this a chance. Some 8,000 families go through a divorce in this state every year who need this kind of resource, and would like to have it.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I understand today will be a long and arduous day for us all, and I hesitated initially in getting up a second time on this Bill, but I do so to address some concerns or comments that were made by opponents of L.D. 301. First of all, a question has been raised as to what was perceived as illogic in the Committee's recommendations to the Joint Standing Committee on Appropriations and Financial Affairs last week in recommending passage of this Bill. For those of you

who didn't have the benefit of our presentation in Appropriations last week, the Judiciary Committee, as did all standing Committees of the Legislature, was asked to, and did respond to provide the members of Appropriations, areas to look into as possible areas to reduce our Budget shortfall. Our Committee recommended a number of areas to look into, and then advised Appropriations members on the merits and demerits of each such approach. We felt that was the most logical way to proceed. Among those programs which were addressed were mediation and small claims, and mediation and domestic relations. It should be pointed out for the Record, that the Committee members on Appropriations felt that although savings could be realized by elimination of mediation and domestic relations matters, we thought there were many serious problems with that, and we voiced those concerns to the members of Appropriations. But, when times are tough, you have to look at the entirety of state spending, and we did that. That was our understanding of what our mission and our responsibility was. It should be pointed out that in contrast to mediation which is not self-sufficient, it does require some General Fund money, the program being proposed here would, in fact, be self supporting based upon a fee all applicants would pay.

A second concern that was raised, was that the Court already has implicit authority to order people to go to parenting education, so why would we want to pass a law when the Courts can already do it? Well, there is two reasons, first of all, the Courts do not want to make legislation. Although they have implicit authority, they believe it is an appropriate area of policy, up or down, for the legislative leaders of our state duly elected to make a choice. The second issue, and one I would want to bring to your attention, is that in the rare freakish case now where a Court might order parents to go to divorcing education, the people have to pay at market rates for their educational experience, which can be \$75 or more per hour for a private counselor. Now contrast that, if you will, to the mechanism being proposed here of paying \$30 for a four hour course. That is \$7.50 an hour, that is one-tenth of the cost of a private counseling session. I think you can understand the difference in the economies. And in fact, I think that is one of the key areas that make the Georgia program so successful. It is quite a bargain.

The foul point I want to address, deals with the confusion, and I understand the confusion, between mediation and divorcing education. As you may know, Maine already has in our law, we have a cooling off period of two months, so that after you file a complaint, in terms of the divorcing process, after one files a complaint, you have to wait at least 60 days before the case is in order for Hearing. It is contemplated that the divorcing education will all occur within that two month period of time. So there would be no delay in terms of getting your divorce. That was a concern that I had, a concern that I carefully explored.

Now, contrast that if you will please to mediation. Mediation is a great program. But it does take time. And quite often there are delays in getting a mediator. And quite often, that, in fact, will delay the process beyond two, three, or four months. I still think personally mediation is a

fine program. But, if you are looking at areas to delay the divorcing process, don't look at divorcing education, look at mediation. The real bottom line is, look at the children. If we can do something, which in some ways removes from them the adverse effects of the divorcing process, why not give it a try. Why not experiment for two years. The pilot project will report back to the Joint Standing Committee on Judiciary, and if you take a look at House Amendment "A" (H-407), on line 52 on page two, you will see that there is a mechanism for an assessment of the efficacy of the program. The Committee on Judiciary had three or four workups on this Bill, and carefully considered all the arguments you have heard today, so well articulated to oppose the Bill, we believe what you have is a balanced approach, and for that reason, I would urge the Body to vote against the pending motion. Thank you.

Senator GAUVREAU of Androscoggin requested a Division.

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

A Division has been requested.

Will all those in favor of the motion by Senator FOSTER of Hancock 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.

10 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator FOSTER of Hancock to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**, **FAILED**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-407) **READ**.

House Amendment "A" (H-478) to Committee Amendment "A" (H-407) **READ**.

On motion Senator CLARK of Cumberland, House Amendment "A" (H-478) to Committee Amendment "A" (H-407) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-315) to Committee Amendment "A" (H-407) **READ** and **ADOPTED**.

The Chair moved **ADOPTION** of Committee Amendment "A" (H-407) as Amended by Senate Amendment "A" (S-315) thereto, in **NON-CONCURRENCE**.

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

On motion by Senator BERUBE of Androscoggin, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-407) as Amended by Senate Amendment "A" (S-315) thereto, in **NON-CONCURRENCE** (Roll Call Ordered).

On motion by Senator CONLEY of Cumberland, **RECESSED** until 3:30 in the afternoon.

After Recess

Senate called to order by the President.

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

COMMITTEE REPORTS

Senate

Ought Not to Pass

The following **Ought Not to Pass** Reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Reported by Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Provide Compensation for Certain State Employees" (Emergency)

S.P. 718 L.D. 1908

Reported by Senator BOST for the Committee on **HUMAN RESOURCES** Bill "An Act Concerning Smoking in the Workplace"

S.P. 716 L.D. 1907

Ought to Pass As Amended

Senator PEARSON for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, to Adjust the Amounts of Money Allocated to Certain Projects for Site Acquisition, Construction, Repair and Renovation of Public Safety Facilities (Emergency)

S.P. 710 L.D. 1893

Reported that the same **Ought to Pass as Amended** by Committee Amendment "A" (S-321).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-321) **READ** and **ADOPTED**.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **FOSTER** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities and Water Districts with the Costs of Capital Construction to Protect Public Water Supplies"

S.P. 502 L.D. 1340

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-326)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-326) **READ** and **ADOPTED**.

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

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

Senator **PEARSON** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-325)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-325) **READ** and **ADOPTED**.

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

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

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

ENACTORS

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

An Act Regarding Liability for Persons Responding to Oil Spills

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

An Act to Encourage Electric Utility Efficiency and Economical Electric Rates

S.P. 196 L.D. 505
(C "A" S-203)

An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft

H.P. 441 L.D. 624
(H "A" H-372; H "B" H-505 to C "A" H-330)

An Act to Require the Commissioner of Environmental Protection to Evaluate the Financial and Staff Resources Necessary to Assume Responsibility for Certain Provisions of the Federal Water Pollution Control Act

H.P. 473 L.D. 667
(C "A" H-432)

An Act to Establish a Northern Maine Regional Juvenile Detention Facility

S.P. 329 L.D. 885
(C "A" S-201)

An Act to Amend the Laws Relating to Submerged Land

H.P. 646 L.D. 920
(C "A" H-433)

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

H.P. 688 L.D. 987
(C "A" H-280; H "A" H-506)

An Act to Amend the Shoreland Zoning Laws

H.P. 709 L.D. 1014
(C "A" H-434)

An Act to Amend the Disability Provisions of the
Maine State Retirement System Laws

S.P. 411 L.D. 1125
(C "A" S-204)

An Act to Allow the Use of Either Paper or
Plastic Bags at Point of Retail Sale

H.P. 812 L.D. 1166
(H "A" H-488 to C
"A" H-204)

An Act to Clarify the Status of Employee Benefit
Excess Insurance

H.P. 814 L.D. 1168
(S "A" S-285 to C
"A" H-355)

An Act to Amend and Clarify the Definition of
Earnable Compensation in the Maine State Retirement
System Laws

S.P. 443 L.D. 1187
(S "A" S-186)

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)

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
(H "A" H-502 to C
"A" H-289)

An Act to Provide for Changes to the Membership
of the Electricians' Examining Board

H.P. 912 L.D. 1309
(C "A" H-313; S "A"
S-258)

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

H.P. 920 L.D. 1317
(H "A" H-503 to C
"A" H-270)

An Act to Make Revisions in the Marine Resource
Laws

S.P. 510 L.D. 1359
(S "A" S-165 to C
"A" S-150; H "A"
H-507)

An Act to Clarify the Authority of the Department
of Transportation to Acquire Property for
Environmental Mitigation Purposes

H.P. 956 L.D. 1383
(C "A" H-425)

An Act to Amend the Laws Regarding the Labeling
of Seafood

S.P. 583 L.D. 1536
(H "A" H-487)

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
(S "A" S-223)

An Act to Improve the Administration of the
Engineering Registration Laws

S.P. 596 L.D. 1581
(C "A" S-197)

An Act to Require Minimum Training Standards for
Construction Flaggers

H.P. 1087 L.D. 1587
(C "A" H-424)

An Act to Amend the Laws Governing Warning
Notices Posted by Sellers of Firearms at Trade Shows

S.P. 601 L.D. 1605
(C "A" S-198)

An Act to Revise the Laws Governing Banking
Institutions

S.P. 608 L.D. 1612
(S "A" S-256 to C
"A" S-215)

An Act Concerning Acquisition of Heating Oil
Assets

S.P. 701 L.D. 1869

An Act to Increase the Borrowing Authority of the
Jackman Water District

H.P. 1311 L.D. 1897

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 Regarding Subsidies to Public Schools for
Home School Students

H.P. 579 L.D. 830
(C "A" H-356)

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

An Act to Amend Certain Laws Administered by the
Maine State Retirement System

S.P. 562 L.D. 1466
(C "A" S-196; H "A"
H-533)

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

An Act to Encourage Waste Reduction and Recycling

S.P. 613 L.D. 1617
(C "A" S-210)

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

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)

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

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
(H "A" H-540)

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

Resolve

Resolve, to Establish the Commission to Study the
Safe Operation of Truck Tractors

H.P. 874 L.D. 1260
(C "A" H-426)

On motion by Senator CLARK of Cumberland, Tabled
Unassigned, pending FINAL PASSAGE.

Emergency

An Act to Allow for a Trailer Transit License

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

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.

Emergency

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

S.P. 386 L.D. 1063
(S "A" S-260 to C
"A" S-218)

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.

Emergency

An Act to Make Emergency Changes to the Motor
Vehicle Laws

H.P. 816 L.D. 1170
(C "A" H-423)

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.

Emergency

An Act to Ensure Continuity in Liability for
Ground Water Contamination

H.P. 1306 L.D. 1888

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.

Emergency Resolve

Resolve, to Establish the Commission on Comprehensive Energy Planning

S.P. 292 L.D. 774
(S "A" S-220 to C
"A" S-205)

On motion by Senator **PEARSON** of Penobscot, placed on the Special Appropriations Table, pending **FINAL PASSAGE**.

Emergency Resolve

Resolve, to Establish a Commission to Investigate Census Data Irregularities

H.P. 1310 L.D. 1892
(H "A" H-544)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1991

H.P. 1328 L.D. 1919

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1991

H.P. 1330 L.D. 1921

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1991

H.P. 1331 L.D. 1922

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System"

S.P. 742 L.D. 1937

Committee on JUDICIARY suggested and ORDERED PRINTED.

In Senate, June 6, 1991, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

Comes from the House referred to the Committee on AGING, RETIREMENT AND VETERANS and ORDERED PRINTED in NON-CONCURRENCE.

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

Senate at Ease

Senate called to order by the President.

Under suspension of the Rules, all matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for 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 Amend the Quorum Requirements for Special Town Meetings in Vassalboro"

H.P. 1341 L.D. 1933

Committee on STATE AND LOCAL GOVERNMENT suggested and ORDERED PRINTED.

Comes from the House, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee.

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

From the Committee on TRANSPORTATION Bill "An Act to Strengthen the Inspection Laws for Buses other than School Buses"

H.P. 1303 L.D. 1885

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on BANKING AND INSURANCE on Bill "An Act to Increase the Minimum Amount of Insurance Coverage Required for Limousines to Conform with Federal Law"

H.P. 1313 L.D. 1899

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.

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

The Committee on STATE AND LOCAL GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1991 (Emergency)

H.P. 1345 L.D. 1938

Reported that the same Ought to Pass, pursuant to Joint Order (H.P. 101).

Comes from the House with the Report READ and ACCEPTED and the Resolve 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.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1991 (Emergency)

H.P. 1346 L.D. 1939

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **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.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1991 (Emergency)

H.P. 1347 L.D. 1940

Reported that the same **Ought to Pass**, pursuant to Joint Order (H.P. 101).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **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.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, Concerning Reauthorization of the 16,000,000 Bond Issue for Construction of Correctional Facilities

H.P. 1201 L.D. 1757

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-589).

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-589).

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-589) **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.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards" (Emergency)

H.P. 1151 L.D. 1676

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-583).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-583).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-583) **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.

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Limit Liability for Participants in Recycling Programs" (Emergency)

H.P. 1205 L.D. 1761

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-585).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-585).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-585) **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.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Improve Grading and Inspection of Maine Sardines" (Emergency)

H.P. 552 L.D. 789

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-584).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-584).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-584) **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.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Laws Concerning Smoking in Restaurants"

H.P. 420 L.D. 603

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

Signed:

Senators:

CONLEY of Cumberland
BOST of Penobscot
GILL of Cumberland

Representatives:

PENDLETON of Scarborough
DUPLESSIS of Old Town
CLARK of Brunswick
GEAN of Alfred

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-486)

Signed:

Representatives:

MANNING of Portland
GOODRIDGE of Pittsfield
SIMONDS of Cape Elizabeth
WENTWORTH of Arundel
PENDEXTER of Scarborough
TREAT of Gardiner

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

Which Reports were **READ**.

The Majority **UGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Supplemental Dependent Life Insurance for State Employees"
H.P. 777 L.D. 1109

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

KERR of Old Orchard Beach
SAVAGE of Union
GRAY of Sedgwick
NASH of Camden
LOOK of Jonesboro
KILKELLY of Wiscasset
JOSEPH of Waterville
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 "A" (H-561)

Signed:

Representatives:

LARRIVEE of Gorham
HEESCHEN of Wilton

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

Which Reports were **READ.**

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing to Require That Certain State Officers Be Appointed by the Governor
H.P. 855 L.D. 1221

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

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as Amended by Committee Amendment "A" (H-560)

Signed:

Representative:

LOOK of Jonesboro

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

Which Reports were **READ.**

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

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. 1348

ORDERED, the Senate concurring, that the Joint Standing Committee on Banking and Insurance report out a Bill, "An Act to Allow the Risk Management Division to Provide Insurance Services to the Elementary and Secondary Schools in the State."

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

Which was **READ.**

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator CAHILL: Thank you Mr. President. Ladies and Gentlemen of the Senate. Before we go on to pass this, can someone tell me why this is necessary and we are going about this in this fashion?

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who may 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 was in the form other than what the Committee chose to report out the Bill. In other words, we need a Resolve, and it was an Act. So consequently, we were told technically this needed to be done in order to pass our Resolve.

Which was PASSED, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties"

H.P. 813 L.D. 1167
(H "A" H-375 to C
"A" H-305)

In Senate, May 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "A" (H-375) thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "D" (H-599) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.
(See Action Later Today)

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

PAPERS FROM THE HOUSE

Pursuant to Statutes
COMMITTEE ON FISHERIES AND WILDLIFE

The Committee on FISHERIES AND WILDLIFE, pursuant to the Maine Revised Statutes, Title 12, section 7035, ask leave to submit its findings and to report that the accompanying Bill "An Act to Appropriate Funds from the General Fund for Search and Rescue Activities"

H.P. 1343 L.D. 1934

Be referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED, in concurrence.

The Bill referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Clarify the Maine Juvenile Code"
S.P. 588 L.D. 1541
(C "A" S-267)

In Senate, June 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267) AS AMENDED BY HOUSE AMENDMENT "A" (H-597) thereto, in NON-CONCURRENCE.

On motion by Senator WEBSTER of Franklin, the Senate RECEDED and CONCURRED.

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

COMMITTEE REPORTS

House
Ought to Pass As Amended

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Liquor Laws"

H.P. 1264 L.D. 1833

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-545).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-545).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-545) **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.

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

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

SENATE PAPERS

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash
S.P. 747 L.D. 1943

Presented by Senator **COLLINS** of Aroostook
Cosponsored by Speaker **MARTIN** of Eagle Lake

Committee on **ENERGY AND NATURAL RESOURCES** suggested and **ORDERED PRINTED**.

Which was, under suspension of the Rules, **READ ONCE**, without reference to a Committee.

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

On motion by Senator **CLARK** of Cumberland, the Senate **RECONSIDERED** its action whereby it **RECEDED** and **CONCURRED** 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
(H "A" H-375 to C
"A" H-305)

On further motion by same Senator, Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **GAUVREAU** for the Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)
S.P. 735 L.D. 1926

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (S-328).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-328) **READ** and **ADOPTED**.

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

Senate at Ease

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator **CLARK** of Cumberland, under Unanimous Consent, on behalf of Senator **MATTHEWS** of Kennebec the following Joint Order:
S.P. 748

ORDERED, the House concurring, that Bill, "An Act to Clarify Provisions of and Provide Funding for Toxics Use, Toxics Release and Hazardous Waste Reduction Programs," H.P. 1171, L.D. 1712, 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.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Majority of the Committee on **AGING, RETIREMENT AND VETERANS**, pursuant to Joint Order S.P. 681, on Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (Emergency) S.P. 743 L.D. 1935

Majority - **Ought to Pass.**

SENATE REPORTS - Committee on the same subject, pursuant to Joint Order S.P. 681, on Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service, Provide for a Study of Retirement Benefits Provided to New Employees and Reserve the Right to Apply Future Changes to Employees Hired after July 1, 1991" (Emergency) S.P. 744 L.D. 1936

Minority - **Ought to Pass.**

Tabled - June 10, 1991, by Senator **MCCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 10, 1991, Reports **READ**.)

Senator **MCCORMICK** of Kennebec moved to **ACCEPT** the Majority **OUGHT TO PASS** Report.

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 assume that we are going to have two votes, one on each of these L.D.'s, and I would ask you to oppose L.D. 1935, and let me explain to the members of this Body, since you have probably not taken the time to read these Bills. The only difference between L.D. 1935 and L.D. 1936, is one of facing reality of where the retirement system is today. There are three components to each of these Bills. Actually, two components to L.D. 1935, and three to L.D. 1936.

There are three things that we want to do. We want to change the retirement insurance so that when you retire as a State Employee, you have to have at least five years of service to get any benefits under

their insurance. We propose to study the retirement system and see what we need to do to change the retirement system, because what was appropriate in the early and late 1950's, might not be appropriate today. For example of retiring at the age of 60, retiring at the age of 50, with a 2% penalty every year, that is perhaps no longer pertinent. The major difference, and the only difference between these two Bills is, that the version which I support, simply states that as we have the study, which will be done during the summer months, that the Legislature acknowledges that there is a problem with the retirement system. It is too generous, too expensive, and probably no longer the type of system that the tax payers of this state can afford. We are suggesting, those of us in the Minority, that we ought to establish a new system yet to be decided by the Study Commission, so that no one who becomes a state employee, no one who joins the State Retirement System, which probably means three or four hundred teachers who become new teachers next year, would be eligible to receive the same, generous benefits that we now have on the law books. We suggest that rather than take away benefits from existing workers, which we are not suggesting that we ought to be doing, we are saying okay, we all realize that the system is too generous. For example, Social Security, you now have to retire at 65, and Maine allows our workers to retire at the age of 60. Frankly, I think that it quite lucrative in today's retirement system, so I think that we ought to change the law, and what we suggest is that we start a new system as of July 1st, granted we do not know what it is, but we do not want to come back in March of next year and say, okay, we think the law needs to be changed, at least the age of 62 will be the retiring age, maybe 65. We are going change it to a new age, a new benefit plan, and we are going to let all of those people, all five hundred, six hundred, eight hundred, whatever it is, that went to work either as a school teacher, wherever the state system would apply, we are going to allow them to just benefit without any reason by joining the old system. We think it is important that we come up front at this point and say that our system is too generous, the tax payers of the State of Maine cannot afford to continue to fund the program that we have. We are not going to take away benefits from anybody, but when this Legislature adjourns in July, it would pertain to any new person this fall under the new system, and I think that is fair. I represent a lot of people who the only type of retirement system that they are ever going to have is Social Security. Let's be honest. This retirement system that we are giving our employees, as we should, is much more generous than the Social Security System. At this point, considering the financial state that the state is in, it is too generous, and we cannot afford it. So we think that we ought to be starting a new system as of July 1st. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I believe my good colleague, the Senator from Franklin, Senator Webster, has "the cart before the horse". The Study, which is recommended by our Committee, is supposed to decide in what areas our retirement system is too generous, and in what areas it is not generous

enough. And indeed, a predecessor Study done in 1986, the Monk's Commission Study, found exactly that, that there is a balance in our current system, in many areas it is not as generous as private plans, or as other state or federal plans, and in other areas it is more generous. The Aging, Retirement and Veterans Committee felt that it was important to have a Study to access the balance of this system which is very important to a lot of people in this state. A lot of people don't think it is too generous. A lot of people who come to work for State Government and given up other kinds of employment, other more higher paying forms of employment, by staying in State Government. I have been called by twenty people who say to me, "I came to work for the state just for the retirement system. I have given up a lot just to stay here". There is something that needs to be studied, maintained, prepared for, and the Senator from Franklin is right, that our two Committee Reports agree on the need for that Study, and we agree on the Governor's proposal to amend the current regulations that allow a person to get one hundred percent of health insurance benefits upon retirement after only working one year for the state.

But, where we disagree is on the date, and what I call the Maine Retirement System "Notch Babies". The amendment supported by the good Senator from Franklin, Senator Webster, would create "Notch Babies", on our own, right here in Maine. As the famous "Notch Babies" in the Social Security System, back in 1914, it would create any employees that we hire as of July 1st, 1992, and I know that the good Senator thinks that we are going to be hiring hundreds of employees, I personally think we are going to be hiring about 15 employees, and that the precedent that we would set by saying to these people, we are hiring you into state employment, but we don't know if you are going to receive any retirement benefits. I think that is an embarrassing position to be in, that when someone hires another person, you need to have a clear indication of what the benefits are going to be, what the wages are going to be, and what the conditions are going to be.

L.D. 1936, the second item under this Divided Report, does not give you a clear idea. Therefore, I urge you to pass the Majority Ought To Pass Report, which is L.D. 1935. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to clarify a couple of points. The differences between these two Reports, is that no one under the Aging, Retirement and Veterans Committee is advocating or suggesting that anybody under the Maine Retirement System benefits should be cut. I wouldn't do that to my employees, and I wouldn't want the state to do it to its employees. But what we are suggesting is, that we have to face the realities of today's budget situation. Frankly, and I know the good Senator from Kennebec, Senator McCormick does not want to hear this, but I could assure you that I would have hundreds, maybe even thousands of people from my area who would love to line up and go to work for the State of Maine considering the generous wages and benefits that are now received by state employees. Generous meaning that most people that I represent do

not have the type of job security, or retirement system, or pay scale that are currently given to state employees, and I am not suggesting that they are overpaid, I am only suggesting that those people who I represent who could just as easily work in some jobs that are currently done by state employees here, located in this Capitol, the people in my District are just as capable to do those jobs and would love to make even the \$10,000 or \$12,000 a year, rather than working in a factory often times for less money.

Back in the late fifties when the retirement system was established, the comments from Senator McCormick of Kennebec were appropriate, there was a concern that we couldn't pay people the kind of money that we should be paying them, so we had to give them a good retirement system. I had hoped that we would reach a unanimous agreement on this Report, but there was a feeling among the Maine State Employees Lobby that we were taking away benefits from someone in the future, even if they didn't represent them now, but they might represent them later, and they didn't want to take away their benefits. That is not a good argument for me. I am not as concerned about whether some future member of the Maine State Employees Union might not get the benefits that the current one does, considering the fact that I have to represent the tax payers of the state who are going to have to be forced to pay for this system that is without question too expensive.

For those reasons we differ, and I think we should face the reality that our system has got to be changed, and anyone who is employed by the State of Maine by July 1st would be under the new system, which would be enacted by the next session of the Legislature. 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. The good Senator from Franklin, Senator Webster, has suggested that the Maine State Retirement System benefits are too generous. I respectfully, and with great enthusiasm disagree with that conclusion, and hope that when he speaks of "we", he speaks not of the names reflected on the Ought To Pass Report under L.D. 1935.

Some of us have served on that Committee for many years, and know that the benefits realized by employees under the Maine State Retirement System are, in fact, not generous, nor are they a burden to the tax payers of the State of Maine. Do not be deluded. The current employees, with the exclusion of the old system teachers, pay their own way. The current percent withheld from employees, whether they be teachers in Maine across the state, or state employees, is 6.5%. And while there is a proposal pending before the Committee on Appropriations and Financial Affairs, embraced in L.D. 1927, the new biennial Budget proposal, that would raise that percentage to 7.65%, it is important that we acknowledge the base fact here this afternoon.

That fact is, that state employees need not in order to be actuary sound, have 6.5% withheld today. The cost for these employees, actuary, is 5.8%. And for teachers who have the same amount, 6.5% withheld, their actuarial cost to the system is 6.28%. The

taxpayers to do not pay other than the employer share. Who else would pay it? Would you have the employee pay both, as is in some instances what might be suggested in the Budget Bill? Remember that all of those who are employed across the state from border to border, north, south, east, and west, are also participants in the Federal Social Security System. There isn't one among us who knows that should a current employee, or a member of the Maine State Retirement System die on the job, or die while not having achieved or ordained retirement age, the survivor benefits for those employees are very inadequate, much less generous than that which is provided under the Federal Social Security. To suggest, that in fact, the benefits afforded our employees, whether they be teacher or state employee, are overly generous in comparison with other states, or with other states within the New England Region is, in fact, misleading at the very best.

I think it is inappropriate in the Minority Report that we establish the foundation that those who come on as new hires as of July 1, 1991, will come under a new system, when we have yet to have the Study that would recommend the system. If one has the time, and I am sure that most of my colleagues in this Chamber didn't have the time to review the Monk's Commission Report, the fact that Maine has a generous system, are not exactly the words used in the conclusions reached by that Blue Ribbon Commission.

I would hope that you would support the very able and dedicated Chair of the Committee on Aging, Retirement, and Veterans, in accepting the Ought To Pass with the Majority Report under L.D. 1935. 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. Just to clear up one misconception by the good Senator from Cumberland, Senator Clark, when the system was established in the 1950's, it is true that it did pay its way, and it still does pay its way, but I would only add that if someone retired under current law at the age of 50, and lived to what would normally be expected, they would, indeed, be a burden on the system, because the system was established back when people did not live as long as they live today.

I would also like to add that the Monk's Commission did recommend that the retirement age should go to 62, but it was not done. I am not suggesting that we take benefits away from anyone, but I am sure that six months or a year from now that indeed we are going to raise the retirement age, and work on some of the aspects of the retirement system. It seems to me that it is too bad to make the tax payers of this state pay for those several hundred people that will be coming on line after July when the system is out of wack. Thank you.

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 that we have before us is not a discussion of the

Governor's proposed changes to the retirement system, though I wish that it was. The Committee which I Chair, tried its darndest to get before you the ability to vote on every single one of those changes that the Governor has proposed, the change in raising the age, the change in raising the penalty for early retirement, the change in the vacation and sick leave credit, all of those changes we thought was appropriate for you to vote on, but we were thwarted in our efforts. Therefore, what you have before you is a Study Bill, a Study Bill to see how the system is balanced, and what way it is out of balance.

The Senator from Franklin, Senator Webster, said that he asked for this clause to be put in the Bill, this clause that would create "Notch Babies", after July 1st, because we weren't going to impair the benefits of existing employees. Well that, my friends, is not true. Right in the Governor's Budget, the Governor has proposed that the age benefit be raised, and the penalty be raised for all unvested workers'. So, in fact, this Study Commission, were you all to pass the Budget, and I have to tell you, I am very seriously considering not voting for any such Budget, if it has any of those contract breaking, breach of promise breaking clauses in it. So were we all to pass that Budget, the need for this Study is almost gone by. The reason that we wanted this Study is, that we needed to take a look at the retirement system, and that is what we will do.

Though I would love to debate the almost two months of stacks of paper this high that I have got on the pros and cons of the Governor's proposed changes, that is not an issue here. What is at issue here, is whether we want to be administratively a good employer, or if we want to be a mess. I submit to you that it will be an administrative mess for us to create "Notch Babies" for six months, when there is going to be almost no one hired. I urge you to support L.D. 1935. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report.

The Chair ordered a Division.

Will all those in favor of the motion to **ACCEPT** the Majority **OUGHT TO PASS** 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.

15 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

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

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

Bill "An Act Concerning the Bonding Authority of the Cumberland County Recreation Center"
H.P. 1238 L.D. 1804
(C "A" (H-537))

Tabled - June 10, 1991, by Senator CLARK of Cumberland

Pending - **ADOPTION** of Committee Amendment "A" (H-537), in concurrence

(In Senate, June 10, 1991, **RULES SUSPENDED, RECONSIDERED, PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537). RULES SUSPENDED, RECONSIDERED ADOPTION OF COMMITTEE AMENDMENT "A" (H-537).**)

(In House, June 6, 1991, Report **READ** and **ACCEPTED** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537).**)

On motion by Senator CLARK of Cumberland, Senate Amendment "A" (S-327) to Committee Amendment "A" (H-537) **READ** and **ADOPTED**.

Committee Amendment "A" (H-537) as Amended by Senate Amendment "A" (S-327) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act to Amend the Laws Regarding Enhanced 9-1-1" (Emergency)
H.P. 702 L.D. 1006

Tabled - April 22, 1991, by Senator CLARK of Cumberland.

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

(In Senate, April 22, 1991, **READ A SECOND TIME.**)

(In House, April 17, 1991, **PASSED TO BE ENGROSSED.**)

On motion by Senator CLEVELAND of Androscoggin, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Resolve, to Develop a Statewide Health Insurance Program (Emergency)
H.P. 1184 L.D. 1727
(C "A" H-406)

Tabled - June 6, 1991, by Senator CLARK of Cumberland.

Pending - Motion of Senator THERIAULT of Aroostook to **ADOPT** Senate Amendment "A" (S-312) to Committee Amendment "A" (H-406)

(In Senate, June 6, 1991, on motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-406) **READ.**)

(In House, May 30, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406).**)

On motion by Senator THERIAULT of Aroostook, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-406) **ADOPTED**.

Committee Amendment "A" (H-406) as Amended by Senate Amendment "A" (S-312) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Schedule of Fees for Plan Review and Issuing of Permits and Approval through the Office of the State Fire Marshal" H.P. 706 L.D. 1011

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-591)**

Signed:

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-592)**

Signed:

Senators:

- BERUBE of Androscoggin
- BUSTIN of Kennebec
- EMERSON of Penobscot

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-591)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-591)**.

Which Reports were **READ**.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-592)** REPORT was **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "B" (H-592) **READ** and **ADOPTED**.

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

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto*America" H.P. 1304 L.D. 1886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-576)**

Signed:

Senators:

- MILLS of Oxford
- KANY of Kennebec
- SUMMERS of Cumberland

Representatives:

- RICHARDSON of Portland
- JALBERT of Lisbon
- DAGGETT of Augusta
- HICHENS of Eliot
- STEVENS of Sabattus
- LAWRENCE of Kittery
- POURDE of Biddeford
- POULIN of Oakland
- BOWERS of Sherman

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

Signed:

Representative:

- TUPPER of Orrington

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-576)**.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-576) **READ** and **ADOPTED**.

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

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

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

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Fund a Capital Grants Program to Municipalities and Solid Waste Regional Commissions and Associations to Invest in Recycling Equipment and Facilities"
H.P. 886 L.D. 1277

From the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** Bill "An Act to Limit the Bond Indebtedness of the State"
H.P. 1188 L.D. 1741

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (Emergency)
H.P. 820 L.D. 1174

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.

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach"
H.P. 1269 L.D. 1840

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**.

Off Record Remarks

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

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Charter of the Farmington Village Corporation" (Emergency)
H.P. 1270 L.D. 1841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-605)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-605) **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.

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

Senate at Ease

Senate called to order by the President.

On motion by Senator **CLARK** of Cumberland, **RECESSED** until 5:30 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Promote the Emotional Health of Children During Periods of Stress"
H.P. 210 L.D. 301

Tabled - June 10, 1991, by Senator **BERUBE** of Androscoggin

Pending - **ADOPTION** of Committee Amendment "A" (H-407) as Amended by Senate Amendment "A" (S-315) thereto, in **NON-CONCURRENCE** (Roll Call Ordered)

(In Senate, June 10, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. Committee Amendment "A" (H-407) **READ**. House Amendment "A" (H-478) to Committee Amendment "A" (H-407) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**. Senate Amendment "A" (S-315) to Committee Amendment "A" (H-407) **READ** and **ADOPTED**.)

(In House, June 6, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. The Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-478)** thereto.)

Senator **DUTREMBLE** of York requested and received leave of the Senate to withdraw his request for a Roll Call.

Committee Amendment "A" (H-407) as Amended by Senate Amendment "A" (S-315) thereto, **ADOPTED** in **NON-CONCURRENCE**

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Like the good Senator from Hancock, Senator Foster, I stand here confused and disappointed, because for years I have had people talk to me about mandates, and I tried to stress how important it was to oppose mandates, and it seems that just in the last few years, especially in the last year, I have come to understand the real meaning of opposing mandates, forcing people to do things that we here in the Legislature want. What really interests me is, that when we get to the point where we are passing laws, and we are not going to be passing along mandates to communities, we are going to be mandating, we are reaching down into people's lives and telling them what they are going to do in an area we have no business at all. None whatsoever! I would like for everybody, just once and a while, to sit back and forget that you are Senators, and that is how I get my gut feelings on Bills, and make believe I am an ordinary citizen. I tell myself for the moment that I am not a State Senator, and how would I react to a Bill like this. My reaction would be, "Who are they to tell me what is right and what is wrong on these particular issues? Who are they to tell me that I am not going to take care of my own children, that I won't care for them? Who are they?" This is just one of those

instances where we are mandating the people and their families. You are going to go to school, or you are going to be educated for four hours, and you are going to listen. You may be talking to people who have gone through the most horrendous experience of their lives, and don't want anything to do at that particular time with something like this. But yet, the Maine Legislature is telling them that they must do it. The Judges never had the opportunity to do it, and apparently haven't done so, but the Maine Legislature is going to do it. I guess we have to start asking our questions, at what point do we start over legislating? This is one of those times. We are over legislating, we are giving the power in this Bill to somebody else to set the perimeters. I looked at the Bill, there are no perimeters! Somebody got up and said that these people have to be highly qualified and trained, there is nothing in the Bill about that. Nothing! Who is setting the perimeters? We are passing a law, and they are taking our responsibility and giving it to somebody else. Then in two, three, or four years, we are going to come back here and say, what are we doing? Well, we are doing it now! And for that reason, I will oppose this Bill, and I would hope that you support the motion to Indefinitely Postpone.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. As you can see from the Report, I was on the Ought To Pass Report from the Judiciary Committee. I did not speak this morning, because I also had a funny feeling in my gut about this Bill, and certainly have been lobbied in both directions. But I just recently received a letter from the Commission on Domestic Abuse, and I worked on that Commission last year when it was first established, and I did get an opportunity to meet with women who had been through some very violent behavior with their spouses. They are definitely in a position where they are saying please do not allow this Bill to pass. They have a great deal of problems with it, and they wish to inform the members of the Maine Legislature of their continued opposition to the passage of L.D. 301. One part of it really caught me where it says, "These women, even though their abusers will not be mandated to attend the program at the same time, could be easily found by their abusers through this program. This would present a very real danger to both the women and to those in the session with her. Too many people and women in Maine have been murdered in their work place and in other public settings." My immediate thought went right back to last summer. There was a woman who had come back from Germany to this state to finish her divorce. Unbeknown to her, the husband had just been released from prison, and he chased her down Route 17 in Rockport, and he shot and killed her right on the highway in front of people. These are the exact people that we are talking about, that we are going to mandate, that they come to Court and be in a vulnerable position whereby they can be found, and possibly be hurt again, and possibly even murdered.

Therefore, I think it is the first time in my eleven years here, that I have changed my vote from Committee, to my vote on the floor, and I sincerely feel in all consciousness that I must do that, and therefore, I stand today, with the Senator from York,

Senator Dutremble, and hope to Indefinitely Postpone this Bill. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I recognized nine years ago when I ran for the Maine Legislature that at times my perception of the process of duplicative legislative Bodies might be changed, and I think that it has. If there is one thing that has concerned me in my nine years, it has been the introduction of emotionalism in legislative debate, and sometime I think emotionalism transcends rational, deliberative thought processes.

Let me tell you a little bit about my background. Before I ran for the Maine Legislature, I spent five years as a Director on the Abused Women's Advocacy Project in Auburn, Maine. In fact, we started that project for abused women. Although I don't want to be pretentious, I do think that I have in my history, a frailty to that cause, and I think I am sensitive to the needs of abused women. I have always advocated for an increasing share of state's resources to abused parties, because both men and women can be abusers, as we know.

These thoughts I carried with me during the Workshops on L.D. 301. I asked myself many times, would we be putting people at risk if we required participation in these programs? The answer quite simply is no, of course not. Don't forget, that we already have other mandatory features of our divorce law. You have to go to Court, and more to the point, you also have to go to mediation. If the concern is that people are going to be somehow attacked, or murdered as they go about the divorcing process, why has that not occurred in our Court rooms? Why has that not occurred in the mediation sessions? I think that it is a concern, but it is not a concern that has been born out by experience.

My good friend and colleague from York, Senator Dutremble, has used this Bill as an occasion to call into question what is perceived as yet another state mandate. In fact, the mandate is probably a term that is just imbued with emotion, a political mantra, "Thou shall not mandate". The reality is that our divorce law is mandatory, and in many respects, we have to follow certain protocol, and we have mandatory mediation.

But the point that I want to leave with the Senate this afternoon is, that what we have asked for is to provide statutory authority for a pilot program. It is nothing more and nothing less. It is a two year pilot project in three critical counties of this state, one of which is mine! So I have listened to people in my part of the state as well. After the project has run its course, we will be able to determine its efficacy, its usefulness.

When I rose this morning on first reading on this Bill, I pointed out to you that the concerns that have been raised in opposition to the Bill, although genuine, have been addressed in the other states where we have seen similar projects operational. As I noted at that point, and I think it bears repeating this afternoon, in light of the comments of the two

preceding speakers, after the project was up and running, it had universal acclaim, and universal support. I think experience, in fact, as one individual in my political party pointed out, often times in the last year, experience is the best predictor of human behavior. Experience in other states has pointed out that educational programs are valid, they do work. Of course, the Senator from York, Senator Dutremble, asked rhetorically who would benefit. What reason would we possibly have to impose this requirement? Well, the reason is, the State of Maine has a legitimate interest in advancing, and guarding, and protecting the health and well being of our young children. No one questions, and certainly opponents don't question, that these parenting education programs are valuable, they do work.

The final point raised was, nothing in the L.D. contains the specific criteria for the training of the persons who were engaged in the educational process. Quite true. Those are in proposed regulations which our Committee has reviewed, drafted by the Judiciary, and is in the regulations that the criteria set forth. I certainly would not be opposed to drafting those criteria into State statute if that dealt with the concerns of those preceding speakers.

These issues have all been dealt with in context before by the Committee on Judiciary. For these reasons, I really believe that although I respect the concerns of the opponents of this Bill, no one has complained the Committee on Judiciary did not take the time to hear the concerns. We spent two months with this Bill in Committee, even as we speak, there are amendments being drafted and passed about. We have been very sensitive to this Bill. In fact, if truth be known, this frustrates me a little bit, because there are other issues that should command greater attention. For example, drafting articulate and forceable standards on sentencing guidelines, or developing meaningful health care regulations I think should take precedence over this particular Bill. Notwithstanding, we have tried hard to work to address the concerns of the opponents. All we are asking is to allow this two year pilot project to take place, and for that reason, I would ask the Senate to abide by its earlier vote this morning, and to oppose the pending motion, which is the motion to Indefinitely Postpone. Thank you.

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

The Chair ordered a Division.

Will all of those in favor of the motion by Senator **DUTREMBLE** of York 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.

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **DUTREMBLE** of York to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, PREVAILED.**

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

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Child Support Law to Include Coverage for Children in College"

H.P. 803 L.D. 1149

Majority - Ought Not to Pass

Minority - Ought to Pass As Amended by Committee Amendment "A" (H-520)

Tabled - June 10, 1991, by Senator **CLARK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 10, 1991, Reports **READ.**)

(In House, June 6, 1991, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

Senator **GAUVREAU** of Androscoggin moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would briefly like to speak on this Bill to tell you why I support it. The whole reason comes from women and men who seek divorce, and have children going to post secondary school. The Bill is very simple. It just says that the Court may order either parent to provide child support related to post secondary education cost for their child, but not beyond the child's twenty-first birthday. I think it is a Bill that is necessary for either the man or the woman who has the money to help their children get through post secondary school until they are twenty-one years old. I think it is their duty, and it is just that simple. I do hope that you will oppose the Majority Report. Thank you.

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

Senator **GAUVREAU:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would hope that you would reject the counsel of my good colleague from Lincoln, Senator Holloway, and go on to accept the Majority Ought Not to Pass Report.

L.D. 1149 was legislation put in by request, which would address the problem of parents of children who wish to go on the pursue post secondary education. As you well know, it is becoming very, very difficult today to finance post secondary education for our children. This problem is certainly true for married people and for divorcing parents. Unfortunately, the Federal Student Loan Program, when it considers applications for financial assistance and for loans, takes into consideration not only the assets in income of the parent with whom the child resides, but also, it takes into consideration the assets in income and financial capacity of the other absent spouse. That does, obviously, present problems, as the Senator from Lincoln, Senator Holloway, referred to when that other parent participates or chooses not to participate in educating his or her youngster through college or post secondary education.

The problem is real, and it should be addressed. I do not stand here today in my capacity as the Senate Chair of the Committee on Judiciary and report to provide comprehensive solutions. But, I can tell you in my capacity, this Bill would cause far more problems than it would solve, although it is well intentioned. We as a state have decided that the age of maturity is eighteen years. That is the time period in which we demand that parents will be legally responsible for their children. If we were to except this invitation to extend the age of support to the age of twenty-one, it is not unlikely the following consequences would occur. We would have future legislation for similar good causes to require support beyond the age of maturity for other purposes as well. We could well see the expansion of the State Medicaide Program, the AFDC Program, to support people until they are twenty-one.

The signers of the Minority Report have not addressed this question, which speaks not just to fundamental fairness, but to Constitutional Law, equal protection. There is nothing presently in the law which requires a married parent to provide financial assistance for his or her youngster in the college years. This legislation would impose it upon divorcing parents. That my friends, is squarely an unequal protection argument, and I would have to be persuaded that there are sound, cogent, public policy considerations which would allow and justify that type of discrimination. Otherwise, I suggest to you as an attorney, the Legislature will probably fail on Constitutional grounds.

In summary, because of the legal flaws of the Bill, the Constitutional problems that it presents, and also it opens up a Pandora's box, and we lose a bright line on what our support obligations are, I would urge you to oppose this Bill. But, if you felt the way that the Senator from Lincoln, Senator Holloway did, I would advise that you submit legislation to raise the age of maturity to twenty-one. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Holloway.

Senator **HOLLOWAY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just remember all I am asking, and all that is being asked of the Judge, is that he may make that consideration, he

does not have to do so. If he realizes that the partner is of substantial means, and can well afford to educate the child, then he may issue that order, and that is the important part of the Bill in the Minority position.

The Chair requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator GAUVREAU of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence.

Will all those in favor of the motion by Senator GAUVREAU of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, please rise and remain standing in their places until counted.

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

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator GAUVREAU of Androscoggin to ACCEPT the Majority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

HOUSE REPORT - from the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend the Laws Pertaining to Asbestos Removal"

H.P. 937 L.D. 1357

Report - Ought to Pass as Amended by Committee Amendment "A" (H-579)

Tabled - June 10, 1991 by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of Committee Report

(In Senate, June 6, 1991, Report READ.)

(In House, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-579) READ.

On motion by Senator TITCOMB of Cumberland, Senate Amendment "A" (S-323) to Committee Amendment "A" (H-579) READ and ADOPTED.

Committee Amendment "A" (H-579) as Amended by Senate Amendment "A" (S-323) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

Bill "An Act to Amend the Campaign Finance Reporting Laws"

H.P. 641 L.D. 915

Tabled - June 6, 1991 by Senator MILLS of Oxford.

Pending - ADOPTION of Committee Amendment "A" (H-489), in concurrence

(In Senate, June 6, 1991, Committee Amendment "A" (H-489) READ.)

(In House, June 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489).)

Committee Amendment "A" (H-489) ADOPTED, in concurrence.

On motion by Senator MILLS of Oxford, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials

H.P. 1202 L.D. 1758

Tabled - June 6, 1991 by Senator CLARK of Cumberland.

Pending - ADOPTION of Committee Amendment "A" (H-521), in concurrence

(In Senate, June 6, 1991, Committee Amendment "A" (H-521) READ.)

(In House, June 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-521).)

Committee Amendment "A" (H-521), ADOPTED, in concurrence

On motion by Senator **BERUBE** of Androscoggin, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

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 Establish State Selective Purchasing Standards"

H.P. 1174 L.D. 1715

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-467)**

Tabled - June 6, 1991 by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 6, 1991, Reports **READ**.)

(In House, June 5, 1991, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.)

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

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. What this Bill does, is merely direct the Bureau of Purchases here in the State of Maine to not purchase items if the company is operating in South Africa. I don't have to go into all the in's and out's on this hot afternoon of why we should do that, but, I will tell you, that I was in a conference in Michigan, two or three years ago, and I did have the privilege of listening to one of the people from South Africa, because I had questions about whether we should do that or not, because of all the questions I had about how it effected the people in South Africa, and workers, etc., who withdrew U.S. company support from South Africa.

What this individual said in some very moving terms was, that yes, they understood, and they took the responsibility toward having an economic impact on South Africa, but the end result was well worth it. Because there is so much discrimination, that there is absolutely no way that we are going to get at this problem, unless of course, we put economic sanctions on. This is one of the methods that other

states have used for this. Some of those states are Michigan, Massachusetts, and Maryland, from a list that I have here that have added purchasing to their disinvestment language. I would urge you to vote against the pending motion. Thank you.

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to tell you briefly, even though it is very warm, even though the weather is extremely hot, I think we owe it to people to explain what this Bill does.

I am going to tell you why I voted for it, not on the political philosophy, because I think what has gone on in South Africa, we all know is not good. However, I am looking at it from a different prospective. If we pass this Bill, it means that we will not be able to purchase anything from any company that does business in South Africa. Now that company could have sold a subsidiary in South Africa, as in the case of IBM, sold it to the employees. We could not buy an IBM product, I don't know if we would want to buy one, but nonetheless, we would not be able to buy, because they still furnish supplies and information to that company in South Africa.

The thing that really disturbed me, if we are precluded, and there are sixteen hundred companies that do business in South Africa, if we are precluded from buying from anyone, whether it be the Upjohn Company, whether it be NYNEX, or any of the other companies, we would be ordered to pay 10% higher prices in order to buy from a competitor. That is what the Bill calls for. I don't agree with that, because I think if we have Maine businesses, that we should not buy elsewhere from a foreign competitor, instead of buying Ford or GMAC, which do business in South Africa, we might have to turn to Toyota, a Japanese product, and we would be able to buy from them, and they would know that we can, according to this Bill, and pay 10% higher. They would simply put in a Bill, knowing full well that we couldn't buy from their competitor Ford or GMAC, and we would buy from them. Now they sell and do business in South Africa, but under this Bill, we would still be able to buy from Toyota, as an example, and pay 10% more.

Also, there is a question of the Quarterly Report that will cause a fiscal note which would be \$17,750 plus for the first year. I wanted to tell you why I voted the way that I did, and I leave the decision up to you. Thank you.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. There are really very few opportunities that we get here in the Senate, or serving in either Body to have an impact on what goes on in the world outside of our state. One of the few ways that we can have an impact is making decisions on what kind of people that we are going to do business with.

When I was growing up, my parents used to say to me that I ought to be careful of the friends that I pick. I had some pretty tough friends, but I never

had any bigots for friends. Never! That was one thing that would never be allowed around my house. My parents would stand for a lot of stuff, but not for bigotry.

The world is a changing place. Our companies are becoming multi-national investors, traders, and business doers. The big thing on the national scene at the moment is opening up trade barriers with Mexico. It is going to have an incredible impact on American jobs, and the way America runs its business. We have been down the road on divestiture with the South African question, and it has made some progress. Make no doubt about that. Our economic pressure on that country, joined with other states, and other countries, has caused them to change. But the change has not been meaningful enough. This is one step further down the road to make them come about and change the same way that we did a hundred years ago, when this state was one of the strongest states in the country for outlawing slavery.

This is one of the few opportunities again, as I would say, that we get a chance to participate. We should be careful about who our friends are. There are enough escape clauses in this Bill as it is drafted to protect the state. If it is the only company to bid on the contract to somebody who is doing business in South Africa, we can take that bid. But the state has declared that it needs an essential purchase, and that is an escape hole for which the state can go to buy that product. But, we ought not to do business with American companies who we now allow freely to go across the seas and into other countries and set up businesses, who will do business with a country such as South Africa without penalty. They should know that what we hold dear and true to us here in this country, and they want to operate cheaply out of this country, they should hold true to the same principles.

This Bill is very important, I hope that you will support the Senator from Kennebec, Senator Bustin. Thank you.

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, urge you to vote against the Majority Report. I will be supporting the Minority Report.

I agree with the good Senator from Cumberland, Senator Conley, that all the change that we have been witnessing on our television screens in South Africa, we can attribute to one thing, the economic sanctions. This is the way that we in Maine can participate in that process. Unless we worry that we will not be able to buy IBM Computers, which I perish the thought, we can buy IBM clone computers, which are made right here in this country, and which I, and many others in this room, and in this building have, and work very well, I assure you. I, for one, would like to see us be much more conscious with what we do with our money, not only as a nation, but a state, what we do with our tax policy, what kind of tax breaks we give to companies that go elsewhere. We need to be much more conscious of that.

This Bill, also, just to add a couple of details, there is no cost to taxpayers for this Bill. It contains exemptions for medical supplies and services, for news reporting companies, charitable organizations, educational supplies, religious supplies, and essential services or goods for any state agency or authority are exempted. I suppose that if a state agency just had to have an IBM Computer, and IBM hadn't quite divested itself of its one-half of one percent holdings that it still has in South Africa, that the state agency could, indeed, get that essential computer. It is a small thing that is asked by this Bill, and I urge you to vote against the Majority Report so that you can do a wonderful thing and vote for the Minority Report. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. What effect would this Bill have on current employees in the State of Maine, i.e., employees who work for the various companies? Would, in fact, this Bill displace these individuals?

THE PRESIDENT: The Senator from Cumberland, Senator Summers, has posed a question through the Chair to any Senator who would care to respond. The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator **MCCORMICK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will try to answer the question. I can't say that I have the specific short term answer that you requested, but I do know that we as a nation, and as a state, have sat by and watched as our policy caused losses of hundreds and hundreds of jobs in this country, either through our tax policies, or through our investment policies, as companies in my very own District have picked up and moved to Mexico. I just think that watching what we do with our money in the long run, and making sure that it does good things for our people, is always the right way to go. Thank you.

THE PRESIDENT: The pending question is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**, **PREVAILED**.

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

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate Highway Revenues

H.P. 1181 L.D. 1724

Report A - **Ought Not to Pass**

Report B - **Ought to Pass as Amended by Committee Amendment "A" (H-500)**

Report C - **Ought to Pass as Amended by Committee Amendment "B" (H-501)**

Tabled - June 6, 1991 by Senator **CLARK** of Cumberland.

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, June 6, 1991, Reports **READ**.)

(In House, June 5, 1991, the Report **A OUGHT NOT TO PASS READ** and **ACCEPTED**.)

Senator **BERUBE** of Androscoggin moved to **ACCEPT** the Report **A OUGHT NOT TO PASS**, in concurrence.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Report **A OUGHT NOT TO PASS**, in concurrence.

Will all those in favor of the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Report **A OUGHT NOT TO PASS**, in concurrence, please rise in their places and remain standing until counted.

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

27 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Report **A OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

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

Bill "An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services" (Emergency)
S.P. 370 L.D. 995
(C "A" S-271)

Tabled - June 6, 1991, by Senator **CLARK** of Cumberland.

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

(In Senate, June 5, 1991, **READ A SECOND TIME**.)

On motion by Senator **CLARK** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-271).

On further motion by same Senator, Senate Amendment "A" (S-331) to Committee Amendment "A" (S-271) **READ** and **ADOPTED**.

Committee Amendment "A" (S-271) as Amended by Senate Amendment "A" (S-331) thereto, **ADOPTED**.

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

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

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

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

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

Tabled - June 6, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In Senate, May 30, 1991, **READ A SECOND TIME**.)

(In House, May 23, 1991, Report **READ**. Bill and Accompanying Papers **RECOMMITTED** to the Committee on **UTILITIES**.)

On motion by Senator **CLEVELAND** of Androscoggin, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

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

SENATE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission"

S.P. 508 L.D. 1346

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

Tabled - June 6, 1991, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of Committee Report
(In Senate, June 4, 1991, Report READ.)

Which Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-281) READ.

On motion by Senator BUSTIN of Kennebec, Senate Amendment "A" (S-329) to Committee Amendment "A" (S-281) READ and ADOPTED.

Committee Amendment "A" (S-281) as Amended by Senate Amendment "A" (S-329) thereto, ADOPTED.

The Bill As Amended, TOMORROW ASSIGNED FOR SECOND READING.

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

SENATE REPORT - from the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (Emergency)

S.P. 660 L.D. 1736

Report - Ought to Pass as Amended by Committee Amendment "A" (S-269).

Tabled - June 6, 1991, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE of Committee Report
(In Senate, June 4, 1991, Report READ.)

On motion by Senator BERUBE of Androscoggin, Tabled until Later in Today's Session, pending ACCEPTANCE of Committee Report.

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

SENATE REPORTS - from 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

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-229)

Tabled - June 6, 1991, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, May 30, 1991, Reports READ.)

On motion by Senator CONLEY of Cumberland, Tabled until Later in Today's Session, pending ACCEPTANCE OF EITHER REPORT.

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

SENATE REPORTS - from 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

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-239)

Minority - Ought Not to Pass.

Tabled - June 6, 1991, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, May 30, 1991, Reports READ.)

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

Senator BUSTIN of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report.

Will all those in favor of the motion by Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS 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.

13 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator BERUBE of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report, FAILED.

The Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED.

The Bill **READ ONCE.**

Committee Amendment "A" (S-239) **READ** and **ADOPTED.**

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

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

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Interest on Community Agency Accounts"

S.P. 575 L.D. 1529

Majority - **Ought Not to Pass.**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-272).**

Tabled - June 6, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1991, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In House, June 6, 1991, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)** in **NON-CONCURRENCE.**)

Senator **BUSTIN** of Kennebec moved to **RECEDE** and **CONCUR.**

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

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **BUSTIN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. This is the Bill where you would pay agencies if the state did not pay them on time. If you have state agencies you owe money to, you get interest tacked onto that when you don't pay. I think it only fair that it happen in the reverse. We have had the discussion before, so that is the end of my story. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BUSTIN** of Kennebec to **RECEDE** and **CONCUR.**

A vote of Yes will be in favor of the motion by Senator **BUSTIN** of Kennebec to **RECEDE** and **CONCUR.**

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BUSTIN, CLARK, CLEVELAND, CONLEY, GAUVREAU, KANY, MCCORMICK, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - CHARLES P. PRAY**

NAYS: Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, CAHILL, CARPENTER, COLLINS, DUTREMBLE, EMERSON, ESTES, ESTY, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, MILLS, PEARSON, RICH, SUMMERS, THERIAULT, TWITCHELL**

ABSENT: Senators **BRAWN, MATTHEWS**

11 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 2 Senators being absent, the motion of Senator **BUSTIN** of Kennebec to **RECEDE** and **CONCUR, FAILED.**

On motion by Senator **CAHILL** of Sagadahoc, the Senate **ADHERED.**

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

SENATE REPORTS - from 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

Majority - **Ought Not to Pass.**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-229)**

Tabled - June 10, 1991, by Senator **CONLEY** of Cumberland.

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 30, 1991, Reports **READ.**)

Senator ESTY of Cumberland moved to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Before accepting the Majority Report, as a signer of the other jacket, for the Record, I would like to make a couple of comments.

It is no secret that we are in some fairly dire straights as far as the economy of this state goes, and those who are unemployed, are probably at the bottom of that totem pole. Right now we are flirting with an unemployment rate of somewhere near 9%, and in some of your counties it is as high as 15%. Although this is a modest measure to raise dependents, the amount of money that would be set aside for dependents of an unemployed individual from ten to fifteen dollars, I realize and I must concur with my good Chair and the Senator from York, Senator Carpenter, that we do not have the money to do it. At the time I signed the Report, I was hoping that we might put this on the wish list of things which we might consider funding, because I do believe that having money set aside for unemployed individuals is important. That money is put directly back into the economy, and keeps services and goods being purchased that otherwise would not be purchases. However, I realize that as we get towards the end of this session, the wish list is growing longer every day, and someone actually has to be responsible and start saying that there are certain things that we are not going to be able to do. With those comments, Mr. President, I will let the Report go. Thank you.

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

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Very briefly, I would just like to applaud and thank the good Senator from Cumberland, Senator Conley, for his comments and his remarks. He is exactly correct. It is something that I think is very important, but something that didn't fit into the priorities of the Labor Committee, or this Legislature at this time. I would also like to point out that during the last session of the Legislature we, in fact, did increase this benefit from \$5 to \$10. I think we can do more in better times. I think you will see us back here fighting for this kind of an increase, but timing was just not there. Thank you.

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

Senate at Ease

Senate called to order by the President.

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

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

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
(C "A" S-225)

Tabled - June 6, 1991, by Senator **CLARK** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 4, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225).**)

(In House, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225) AS AMENDED BY HOUSE AMENDMENT "A" (H-581)** thereto, in **NON-CONCURRENCE.**)

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

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

JOINT ORDER - that the Joint Standing Committee on Housing and Economic Development report out a Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Provide for the Maine Street Investment Program," to the House.
H.P. 1342

Tabled - June 6, 1991, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE**, in concurrence

(In Senate, June 6, 1991, **READ.**)

(In House, June 6, 1991, **READ** and **PASSED.**)

Which was **PASSED**, in concurrence.

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

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking
H.P. 1284 L.D. 1854

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-534)

Minority - Ought Not to Pass

Tabled - June 6, 1991, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF EITHER REPORT

(In Senate, June 6, 1991, Reports READ.)

(In House, June 6, 1991, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Resolution PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534).)

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

Senator EMERSON of Penobscot requested a Division.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator EMERSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. As you notice this is a Constitutional Amendment which I believe is unneeded and perhaps unconstitutional.

It would put before the people this question, "Shall the Constitution of Maine be amended to establish a Legislative Veto over agency rules"? What it would do in essence, the majority of the Legislature could override and cancel a rule of any agency in the State Government. I don't believe that this is necessary because, if this was to take place, the Legislature would have to be in session, and they could just as well pass a law which would override any rule, or negate any rules. For that reason I don't believe it is necessary. I am not a student of the Constitution, but there is something in there about the separation of powers from the three branches, and I believe that the Legislature would be infringing on the responsibilities of the Executive Department.

I know that there is a great deal of frustration amongst us all, regarding the rules that some of the agencies make. But, I think that it might be as much our fault as the agency. I think that we might be able to write the laws clearer and pay more attention when the rulemaking is made. I really can't see why this is necessary to put this in the Constitution. Thank you.

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

Senator BERUBE: Thank you Mr. President. Ladies and Gentlemen of the Senate. As you know, there is a great deal of frustration as the Senator from Penobscot, Senator Emerson has stated. With the

rules and regulations that are implemented, and often times exceed legislative intent. Precisely because there is a question of separation of power that the bureaucracy departments are part of the Executive Branch, that is why we were told that there was a need for a Constitutional amendment. What would happen is, that if it is approved, that when a department, or bureau, or an agency makes up a rule or a regulation, and if there is some concern with it that it does, indeed, exceed legislative intent at the time that it was enacted, then the issue would go to the respective Committee, if it were in Natural Resources, it would go to that Committee, if it dealt with alcohol beverages, and this sort of thing, it would go to Legal Affairs. It would go to its respective Committee from whence the original legislation came from, and if in their determination they found that it exceeded, then there could be a unanimous vote of that Legislative Committee to override that rule.

Basically, that is the intent of the Bill. It is a constitutional change. There are many states that have had to go to a constitutional change to address the issue of rule and regulation. I ask that you support the Majority Report. Thank you.

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

Senator PEARSON: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is a major departure from the way that we operate right now. A good many times I have heard over the years, in the Appropriations Committee, why don't you write the Bill in such a way that they have to come back to the Appropriations Committee for approval. We have always told everybody that we can't do that. We are not the Legislature. We are a Committee of the Legislature. We can only recommend to the Legislature.

The good Senator from Androscoggin, Senator Berube says that if rulemaking is not approved, it would be reviewed by the Committee that had jurisdiction, and they could override it. I don't think that is a proper function for a Committee to have. It seems to me that that is a proper function for an entire Legislature to have.

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

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. Why is it so bad for this Legislature to inject itself if a department overrides the legislative statute, granting it the authority to promulgate rules and regulations? Why should it not be able to say to that department that you have overridden your statutory responsibilities? What is so bad about that? The Department of Environmental Protection, which I am becoming very close with, is one of those departments that seems to like to do that sort of thing, and we end up putting in legislation throughout the rest of the session trying to repair what damage that they do through rulemaking. It isn't just the Department of Environmental Protection, there is a whole host of them that are out there that we come back down here and we put amendments to the law, because of what they have done! I don't know if it is a legislative

Veto or anything, but I think that the important thing is, that when we leave here, they shouldn't be looking out the window at us thumbing their noses up like this, and then going about running State Government, and waiting for us to come back next year. We ought to be the ones that are establishing the policies.

I don't know how many Bills that have come out of our Committee that we have said, you can promulgate rules and establish guidelines, and I can bet you as I am standing here today, that they are going to supersede those, and we are going to end up having to have some legislative vehicle to address a rule that has been promulgated. I don't think that it is such a big deal in the hands of the people. We are not talking about in the hands of the professional bureaucrats. If you want to side with the professional bureaucrats, then you support the Minority Ought Not to Pass. If you want the people to have a voice in what is going on, good or bad, then I think you have to support the Majority Ought to Pass Report. Thank you Mr. President.

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

Senator **BRANNIGAN:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think that I don't want to support bureaucrats, I think I want to support the Legislature.

It is the Legislature that makes the final decision about what legislative intent is, not the Committee that puts out a Bill to the Legislature. Often times it is the Legislature that changes what a Committee does, and that becomes the legislative intent. So, I wonder about a scheme where the oversight is done by a Committee that is going to judge legislative intent. I also wonder what the plan is for a Legislative Committee that puts out a Bill in the second session of one Legislature, and rulemaking is done later that year, and would be looked at by a newly constituted Committee.

It just seems to me that we have the opportunity to come back and to overrule, as a Legislature, if we feel that that is necessary, and that gives us, although not a quick and an immediate balance, it gives us the sufficient balance to deal with these issues. Thank you Mr. President.

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

Senator **EMERSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I just want to state again, that I do not think that this is necessary to put into the Constitution. But, the amendment says that two-thirds of the members of the Committee of Jurisdiction, not the entire Committee, and then it goes to the Legislature, just like any other Bill, and the majority of the Legislature can pass it or not.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I will be voting against this today, because I believe that the Legislature already has the authority to override rulemaking, and I will give you an example of something that we dealt with this very day, and that is the smoking in the restaurant Bill.

If you recall, it was an issue that came up from rulemaking last year, and there was such a human cry out there among the public, and among us, and the Legislature, because I certainly wrote a letter opposing that particular rulemaking action, because it was a change in policy. There was such a human cry out there, that the rule was rescinded. The Bill came before the Legislature, where it belonged, and was finally defeated. I am going to vote against this because I believe that we already have that authority. Thank you.

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I appreciate the good Senator from Sagadahoc's comments, Senator Cahill, but if my memory serves me correct, the department decided not to go ahead and have the rules implemented, that they had the ability to do that, that they were politically sensitive to the situation. There is a good example of them heating the political ramifications of what was being done. But, throughout all of State Government, that does not go on, they just happened to be a little bit more politically sensitive to the issue, and I think that this is a good example as to why the Legislature should be more involved, because of stupid things like that that are being proposed.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Just in response, then I would suggest that perhaps we should put a Bill into the departments that is a little bit more politically sensitive. I am sure that we would get unanimous support to do that.

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

Senator **CONLEY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Over the course of the day, I have actually started to pay a little more attention to what goes on in State and Local Government. It seems like the Senate itself has become a State and Local Government Committee, and with some extra time on my hands, I have actually taken a look at this proposed Committee Amendment, to see what it actually is that this Committee, and this Body, might have to do to the Constitution, which I consider something that we should not tamper with lightly.

Unless I am mistaken, law already takes precedence over rules. I believe that it is actually the way the Court construes the actions that we take here. So if we as a Legislature can change a rule by introduction of a law or a statute, my question is, why do we need to change the Constitution of this

State to give a Committee the power to come up with a two-thirds vote to rescind a rule? Why can't some individual legislator just put in a Bill to rescind that rule? I can't see any good reason to change the Constitution in this way, unless someone can give me an explanation as to why the present process doesn't already work?

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

Senator **BALDACCI:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I did not plan to speak on this measure, but finding myself speaking for the third time. It is a point of civics. The point is that you are the representative of the people. You are elected by the people. The bureaucracy does not have a vote. It is the people here that are represented by you. If the bureaucracy passes a rule or regulation, you as an elected legislator are forced to respond with a law or a proposal to undo what they have done. That is a government operating without the responsibility to the people. It should not be us being responsive to them, but them being responsive to us! I think that is at the heart of the measure. That is what really gets at the nub of the issue, whether you are going to be responsive to the people, or whether you are going to say, "Well they did it, but we will wait until January, or February to put a Bill in that will take effect in September or October that will undo what they did". If you have ever done anything in the Legislature and try to undo it the following session, it is a lot more difficult. So rather than get into that predicament, I think that is one of the reasons that we should support the measure. Thank you Mr. President.

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

Senator **COLLINS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It seems to me that we are very close to getting in a position where we will be doing or undoing all of the things that we did some fourteen or fifteen years ago when the good Senator from Kennebec, Senator Kany, and others were engaged in the Administrative Procedures Act, and rulemaking became an art form.

The Legislature, when it passes legislation, generally provides for rulemaking, or it does not provide for rulemaking. So we have ourselves to blame if we are dissatisfied with that process. We don't need a Constitutional Amendment to remedy that situation. I think that many of the reasons why we decided sometime ago, that we couldn't put everything into the statute, was because we began to deal with more and more technical matters that many of us were not capable of analyzing or putting into law. Thus, we designated the ability of the departments to use their expertise, their technical expertise, to inject rulemaking into the process.

If we were to adopt a Constitutional Amendment, giving legislative oversight over rulemaking, it seems to me as the good Senator from Penobscot, Senator Emerson has indicated, we might have to be in session an awful lot of the time when we ordinarily wouldn't be, because we would have to deal with these things every time somebody suggested that it wasn't

something going right. I think that we need to retain that. I don't think that we need a Constitutional Amendment. I do think that we have to be more conscious in the legislation that we write in delegating this authority to the various state agencies, and that is our responsibility. But, I don't think that it takes a Constitutional Amendment to remedy that situation. I would hope that we would defeat the proposed motion.

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It may come as a surprise to some of you, but the Legislature did have an Office of Legislative Oversight, and a Director for same, who worked for a period of less than two years, that as a result of her retirement, and the impending Budget crunch at the end of the 114th Legislature. The Legislative Council and its Budget Committee recommended not funding that position and the elimination of that office for the duration of the budgetary crisis as it plays out.

I recognize as a long term legislator, the need for legislative oversight of rules promulgated by various state agencies across state government, because there is no Body of law which causes more frustration among the constituents we were elected to serve, than that Body of law, which for lack of the word, I call Administrative Law. While the Bill before us may not be the perfect vehicle, I do submit that it is appropriate at this stage, that we do support the Majority Report, and would ask the Honorable Secretary through the Chair if the Report could be read. Thank you Mr. President.

Which Reports were **READ.**

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

Senator **CLARK:** Thank you Mr. President. Ladies and Gentlemen of the Senate. It wasn't that long ago that I remember that the Legislature introduced a piece of legislation to thwart the interpretation of one of our Departments of State, who interpreted a recent legislative act differently than had been the intention of those of us worked on that issue in Committee, and voted on it, and it was signed by the Governor. There were some entities across the state who even went to Court to challenge the rules that had been promulgated, and they lost in Court because legislative intent had been so neatly embodied in the rules and regulations, that the legislative intent and the record were placed secondary, so the Legislature used the legislative route in order to thwart further promulgation of those rules and regulations.

If the facts need to be known, and it is a little difficult talking in subtleties here without using names, and issues, and Committees that the Legislature continued to pass the Bill as the Legislature had originally intended. And frankly, it met with a Veto that we were unable to override, because the Veto was sustained because of the Commissioner involved convinced the Governor that it was legislative intent, when in fact, legislative intent had thus far been expressed in the enactment of the Bills dealing with this issue twice.

Now, if I don't know if that is particularly appropriate, or relevant to the issue before us, but we could have saved the state an awful lot of cost and legislative time, and Court time, had we had this readily accessible review of what is promulgated and developed under the rulemaking authority that we so frequently vest within the Departments of State.

I said an awful lot, and I don't know if I said anything precisely, but it certainly does reflect the confusion and frustration that we at the legislative level have experienced, whether we are serving in the Majority or the Minority, as well as reflective of the frustration that the citizens that we were elected to serve, have experienced with reference to dealing with state agencies who promulgate rules and regulations that are so complex and voluminous. All encumbering that confusion reigns, and if we want to know about which I am attempting to address, the whole issue was the certification of professional people within the field of education. Thank you Mr. President.

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

Senator **BOST:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am just as frustrated as the good Senator from Penobscot, Senator Baldacci, at the tendency for State Government to take on a life of its own once we leave the parking lot at the end of June. Whether they are thumbing their noses at us, or rewriting history, the tendency is there to undo many of the good efforts or the good intentions that we worked so hard at January through June.

My problem is, that currently, a simple Majority of a Committee can recommend to the full Legislature a Bill which would in essence rescind a rule that the Committee found objectionable. If this amendment to the Constitution passes, that would now be two-thirds of a Committee. My question to anyone who would care to answer, does this not make the process even more cumbersome, and in effect, defeat the very purpose of the legislation?

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

Senator **BERUBE:** Thank you Mr. President. Ladies and Gentlemen of the Senate. The main reason we made it initially, I said unanimous, and I apologize for the error, because the original amendment to the Committee was going to be unanimous, but we made it a two-thirds reporting back to the entire Legislature, both Bodies, and they by Majority could concur with the two-thirds of that Committee. We felt that was the fair way to do it, not just a simple majority on the Committee, and this addressed the concern that some members of our Committee had.

We must have come a long way from the day when people would interpret a law the way that we are supposed to be, and you need only answer your constituents when they call you or write you letters, or talk to you relative to the impact that some of the rules have upon their lives, and their businesses, and their farms, as I had a case last week. I think that many times the people that make

the laws, that is why we should be so careful when we look at rulemaking authority in any of the statutes that we enact, they become over zealous, and it is their interpretation, and true, we can come in here the next session and introduce new legislation, clutter up the books again, it may or may not pass, and the following subsequent Legislature can come and tear it apart. I think that we can't seem to do it ourselves, not that we don't want to, I think we need the help of the Constitution.

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

Senator **GILL:** Thank you Mr. President. Ladies and Gentlemen of the Senate. We, the Legislature, gave those departments the power to make rules. We gave it to them because we either didn't have the time to do it, or we thought they were well versed in the particular issue, and they could make rules. We did it through the Administrative Procedures Act. I, for one, as a member of the Committee I serve on, notice every time the Department that comes under the jurisdiction of the Committee's I serve on, are making rules. They send me a notice, and they say we are promulgating rules dealing with that subject matter, and the Hearing will be on such and such a date, at such and such a place, and if you wish to make some comments about a particular rule, then please feel free to do so, or please come to the Hearing. We have that authority.

And here we are talking today, about doing something to the Constitution, when what we probably should be doing is looking at the Administrative Procedures Act to see why it doesn't work if it is not working. The Constitution has always been very dear to me, and I have always resisted, and I get this from a past legislator who served from Cape Elizabeth, and the Constitution was always something that you didn't tinker with very much. I see us sending out Constitutional Amendments for this and that, and it seems to me, that if we are the ones as legislators that develop the Administrative Procedures Act, that allow them to make rulemaking, then perhaps we ought to come back to that Administrative Procedures Act, and leave the Constitution alone. I will not be favor of the Majority Report.

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

A Division has been requested.

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

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

10 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report was **ACCEPTED** in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco

S.P. 349 L.D. 951
(C "A" S-200)

In Senate, May 28, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200) AS AMENDED BY HOUSE AMENDMENT "A" (H-602)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Facilitate Review of Applications Submitted to The Department of Environmental Protection"

S.P. 481 L.D. 1283
(C "A" S-297)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-297)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-297) AS AMENDED BY HOUSE AMENDMENT "A" (H-595)** thereto, in **NON-CONCURRENCE**.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine"

S.P. 642 L.D. 1690
(C "A" S-308)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY HOUSE AMENDMENT "A" (H-604)** thereto, in **NON-CONCURRENCE**.

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

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

Non-concurrent Matter

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
(H "A" H-285; H "B" H-526)

In Senate, June 5, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-285) AND "B" (H-526)**, in concurrence.

Comes from the House Bill and Accompanying Papers **RECOMMENDED** to the Committee on **BUSINESS LEGISLATION** in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Amend the Maine Consumer Credit Code"

S.P. 708 L.D. 1884
(C "A" S-313)

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-313).

Minority - Ought Not to Pass.

In Senate, June 10, 1991, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-313)**.

Comes from the House the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Senator **THERIAULT** of Aroostook moved to **INSIST**.

Senator **CLARK** of Cumberland moved to **RECEDE** and **CONCUR**.

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

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **THERIAULT:** Thank you Mr. President. I urge you to vote against that motion. This is going to be difficult for me to debate my colleague and friend, and illustrious leader from Cumberland, Senator Clark. If I remember correctly, about eight or nine years ago, that good Senator was on my side, and probably would be championing in this particular Bill. But that was eight or nine years ago. I am hoping that maybe I could convince her to support this motion that I have before you.

What this Bill does, is allows banks to charge a service fee of up to \$24 a year. I want you to understand from the top that this Bill does not originate from the industry, it originated from me. The primary reason that the Banking and Insurance Committee kept getting these reports and complaints from our constituents, they say what is happening because my credit card is moving out of Maine. It is being sold outside of Maine. The amount of interest that I am being charged is a lot more than I am used to or I am being charged a lot more for my service fee and things of that nature. We had in our Committee one of the major banks in this state tell us that they were on their way out of Maine and why, because we have made that business in Maine not profitable enough for our banks. What they are doing is, they are selling out-of-state. According to the banks, in order for them to make this type of business worth while to them, they need to make at least 2 to 2.5% interest. What they are doing in Maine is about 1.14%. Consequently, there is not much interest for them to continue in this business. To most of the small banks it is not a good business for them, but they are doing it more or less for PR purposes, but there is just so much they can do in that area. They at least need to break even. One of the things that has pleased me very much in the last few years is, that the small local banks are returning to Maine. A lot of us have been complaining about the impersonal out-of-state banks that are now in Maine. A lot of these bank customers are beginning to realize that maybe we should have our own small local bank, and we do have quite a few of those. There is one here in Augusta called Cushnoc Bank. We have one in Aroostook, and it is

called the First Aroostook Bank. There are others coming up throughout the state. This is really a Bill to help those little banks. The big ones don't care. They can go out-of-state, and by the way when they go out-of-state they are not limited or controlled by the state as to how much they can charge for service fees. I know that some charge real high. I got a notice the other day that my card had been sold, and I have to pay something like \$50.00 if I want to continue that card. The rate of interest was not comparable to what I was used to, and consequently, I guess it is a noble thing, and something we can talk about when we go back home and say, "Look, we wanted to raise the fees from \$12.00 to \$24.00", but I think we should tell them the rest of the story. By the way, our banks have not been able to compete the last eight or nine years because they have been held down. There are very few states that have that kind of control on their banks. If you go back and you tell them that I held it down, you tell them the rest of the story that maybe they will not have that credit card here in Maine. We also had a Bill this year in reference to credit cards, which said that you cannot use the State of Maine name on a credit card unless it was originated and owned by a State of Maine resident bank. I think that this is the wrong approach. I think that we should make it so these banks should want to stay here. We are talking about quite a few banks here. I have told you of two small banks. We have twelve small commercial banks in Maine that issue credit cards. We have fifty savings banks that issue them. We also have a few credit unions. I think what we are looking at here is, we're either going to allow our banks to at least make enough money for them to continue with this, or are we going to allow them to get rid of their portfolio and send it out of state where we have absolutely no control, one of the reasons that the banks are not making any money, or enough money with this is, because usually the best customers are the ones who use a Maine bank card, and consequentially, they pay their balance every month during the grace period, then the bank gets no interest from that kind of transaction. Really what we are doing here is protecting a State of Maine product. That is what I am seeking. I think we should protect that product and allow these small banks to charge up to \$24.00. This does not necessarily mean that they will. In doing that we will at least have some banks that will continue to offer these credit cards, where we will have at least some kind of control rather than be out of our hands completely. 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. The good Senator from Aroostook has been particularly eloquent in his support of this measure, and has suggested that if this was perhaps back in 1982, that he and I would indeed be on the same side of the Report. He is correct. At that time, after years of dealing with financial institutions, and insurance, and Maine's consumer credit code, I listened to the plea of the organized banking industry of the state, and signed onto a Committee Report which was not unanimous, and was debated literally for hours in this Chamber that allowed an annual fee to be assessed to the credit card holders of our state. I was convinced at that time, as I am not convinced today, that it was needed

to do all the things that that fine Senator from Aroostook, Senator Theriault has articulated this evening. At that time we allowed a credit card fee to be imposed on the credit card holders of our state of up to \$12.00, thinking that at best it would be incrementally assessed. And lo and behold, in one fell swoop with absolute, not a moment of hesitation, a \$12.00 fee was assessed. As I mentioned during the Hearing on this measure, I have yet to hear the end of it from less than ten, but a number of very vocal constituents who still have resentment that I supported that, who as a result of it, turned in their Master and Visa cards to the then Depositors Trust Company in Freeport, Maine. My meandering within my community brings me in contact with them regularly, and frankly, it is usually on payday, and they grind it in to this day. There is more to it than just the energy of just my constituents who turned their cards in. As a member of Legislative Leadership and as a member of the Legislative Council, I was approached by the Director of the Organized Banking Industry in Maine, regarding this proposal before us, and agreed to allow it to be introduced with the necessary six votes of the Legislative Council as an after deadline Bill of this Legislative Session. I truly believe it is an issue that is festering out there, and I didn't want to be perceived as using my vote on that Council for the subject matter rather than allowing it to be introduced where we could address it in Committee and appropriately in our respective Chambers. This measure L.D. 1884, as amended, will do nothing to keep credit cards in the State of Maine. As a matter of fact, the single large bank for which this Bill might have been of some assistance, has recently sold its credit card business, not because it is a loss leader, but because they are selling assets in order to secure liquidity, cash, members of the Senate. I have listened carefully to the people who support passage of this measure, and I know that there will be another day, and the sun will probably rise tomorrow should I not prevail in my motion this evening, but I am not convinced that the little independent banks that are merging across Maine's landscape really do need this. I submit to you, that you and I are recipients of invitations for credit cards to the tune of no less than three every week. I have been counting mine recently, and I had four last week, and I have had only two to date this week. That includes Saturday, by the way. Maine's low annual fee for credit card holders is a prime marketing tool among our innovative, market oriented competitors, independent Maine banks, to convince Maine's citizens that they should hold credit cards with those institutions rather than institutions from which we receive and hold cards that have corporate headquarters and administrative offices outside of the state. Our effective interest rate has been going down notably these past recent months. The prime is about 8% to 9% currently, and yet, Maine continues to access 18% on the users of credit cards that do not pay the total balance within the time prescribed for their individual contracts, usually 25 to 30 days. Our law provides up to 18%, and to suggest that even that these banks are losing money, I submit, is false information sincerely tendered for your consideration. I am sure there was no intent to deceive, but I could say to you that in response to a question that was asked in Committee, we recognize that there is a number of card holders who pay in their 25 or 30 days, and thus pay no interest, but we must remember that the merchants from whom these

credit card slips are presented also pay administrative costs to cover losses, as well as the process of those submissions. Sometimes that ranges between 3% and 8%. Approximately \$30 million is not paid within the 25 or 30 days, and the average return on this per the testimony of the banks is a 12% return. And members of the Senate, that is not a lost leader. This represents the balances, or the net gain of the banks when you combine people who don't pay their balances in full, and the people who pay their balances in full. Even with the implementation of the 18% return on the non pay in full card holders. This 100% increase from \$12 to \$24 represents an effective interest rate increase at a time of low interest rates, an additional debt that will be assumed by Maine consumers, and I would ask you to please hear this evening, to balance the needs of keeping strong financial institutions with the need of the consumers that we were elected to serve, and I am paraphrasing that last statement, the testimony of the Director of Maine's Bureau of Consumer Credit Protection. 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. The fact that I gave you the profit after tax income for the banks was not my own determination. It was put together by the banking community, and I have no reason to doubt their figures, which is 1.14% net income after taxes. Again, I would urge you to vote against the pending motion so that we could insist, and remember that a vote against this motion is a vote for the development of small banks in Maine. Finally, I want to tell you that you are voting to retain a Maine product which we have failed to do quite frequently around here. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator CLARK of Cumberland to RECEDE and CONCUR.

A Division has been requested.

Will all those in favor of the motion by Senator CLARK of Cumberland to RECEDE and CONCUR, please rise and remain standing in their places until counted.

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

9 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator CLARK of Cumberland to RECEDE and CONCUR, FAILED.

On motion by Senator THERIAULT of Aroostook, the Senate INSISTED.

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

On motion by Senator **BRANNIGAN** of Cumberland, **RECESSED** until the 8:30 in the evening.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1350

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

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

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

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

ENACTORS

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

Emergency

An Act Regarding Aquaculture

H.P. 55 L.D. 76
(C "A" H-373; H "A"
H-547)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 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 Marine Oil Spill Prevention, Planning and Response

H.P. 56 L.D. 77
(S "A" S-266 to C
"A" H-339)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 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 Revise the Small Claims Laws

S.P. 134 L.D. 272
(C "A" S-238)

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

Emergency

An Act to Stabilize the Maine Dairy Industry

H.P. 598 L.D. 849
(C "A" H-555)

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

Emergency

An Act to Amend the Laws Concerning Certification of Educational Personnel

S.P. 326 L.D. 882
(C "A" S-253)

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

Emergency

An Act to Continue the Dislocated Worker Benefit Program

S.P. 366 L.D. 968
(C "A" S-228)

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

Emergency

An Act to Create a Semipermanent Semitrailer Registration

H.P. 765 L.D. 1099
(S "A" S-293 to C
"A" H-306)

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, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Relating to the Education of Homeless Students

S.P. 466 L.D. 1249
(C "A" S-274)

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

Emergency

An Act Concerning State Education Mandate Waivers

H.P. 908 L.D. 1305
(H "A" H-412; S "A"
S-300 to C "A"
H-358)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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 Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters

H.P. 919 L.D. 1316
(S "A" S-221 to C
"A" H-312)

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

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

On further motion by same Senator, Senate Amendment "A" (S-334) READ.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator BALDACCI: Thank you Mr. President. Ladies and Gentlemen of the Senate. It just deals with the transition of the Board of Foresters for the Business Regulation Department. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-334) ADOPTED.

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

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

Emergency

An Act Relating to Court Security Personnel

S.P. 554 L.D. 1458
(C "A" S-261)

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

Emergency

An Act to Promote Efficient Enforcement and to Correct Inconsistencies in the Manufactured Housing Laws

H.P. 1048 L.D. 1521
(C "A" H-473)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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 Unify Housing Services

H.P. 1067 L.D. 1556
(C "A" H-568)

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

Emergency

An Act to Amend the Northern Maine Regional Planning Commission and the Northern Regional Planning Commission Charter

S.P. 593 L.D. 1565
(C "A" S-270)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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 Level I and Level II Educational Technicians

H.P. 1077 L.D. 1571
(C "A" H-477)

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 Conform Chiropractic Licensing Laws to Other State Regulatory Board Laws

H.P. 1089 L.D. 1589
(C "A" H-484)

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 Provide for the 1991 and 1992 Allocations of the State Ceiling on Private Activity Bonds

S.P. 632 L.D. 1680
(C "A" S-273)

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 Provide Better Regulation of the Practice of Architecture and Landscape Architecture

S.P. 662 L.D. 1738
(S "A" S-295 to C "A" S-282)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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 Allow Municipalities to Request Extensions under the Growth Management Laws
H.P. 1249 L.D. 1816
(C "A" H-517)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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 Amend the Laws Relating to the Collection of Debts by the Department of Human Services
H.P. 1257 L.D. 1825
(C "A" H-513)

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

Emergency

An Act to Extend Certain Income Tax Benefits to Individuals Participating in Operation Desert Shield or Operation Desert Storm
H.P. 1268 L.D. 1839
(C "A" H-471)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 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 Create the Board of Barbering and Cosmetology
H.P. 1288 L.D. 1858
(C "A" H-472)

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 Create the Morrill Village Water District
H.P. 1315 L.D. 1901
(C "A" H-531)

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 Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine
S.P. 154 L.D. 366
(C "A" S-286)

Comes from the House **FAILING OF ENACTMENT**.

On motion by Senator ESTES of York, Tabled until Later in Today's Session, pending **ENACTMENT**.

Emergency

An Act to Increase Mobile Home Park License Fees
H.P. 392 L.D. 566
(C "A" H-556)

Comes from the House **FAILING OF ENACTMENT**.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Could someone on the appropriate committee explain to the Senate what this Bill does? Thank you.

THE PRESIDENT: The Senator from Franklin, Senator Webster has posed a question through the Chair to anyone who may care to respond.

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

Senator **MILLS** of Oxford moved to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

THE PRESIDENT: The Chair recognizes that same Senator.

Senator **MILLS:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I would just like to speak very quickly, and since it appears that this Bill does not have the support of a majority of the members of this Body. I am moving the Indefinite Postponement of Bill and all its accompanying papers, and I would hope that those who vote against it will be able to explain it to Commissioner Collins and also to the sponsor of the Bill, Representative Murphy. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I asked earlier if someone could explain to me what this Bill does, and no one seemed to know, so I move that this Bill be Tabled until later in this evening.

THE PRESIDENT: The Chair would advise the Senator that debating the tabling motion is not appropriate. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending the motion by Senator **MILLS** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

Emergency Resolve

Resolve, to Develop Evidence Protocols and Standardized Kits for Cases of Alleged Gross Sexual Assault

H.P. 940 L.D. 1362
(C "A" H-565)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation

S.P. 538 L.D. 1436
(C "A" S-231)

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

Emergency Resolve

Resolve, to Create a Commission to Study the Need for a Technical College in York County

H.P. 1105 L.D. 1604
(C "A" H-528)

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

Emergency Resolve

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center

H.P. 1164 L.D. 1705
(C "A" H-453)

Comes from the House **FAILING OF FINAL PASSAGE**.

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

Emergency Resolve

Resolve, to Postpone the Adoption and Implementation of the BOCA Plumbing Code by the State

H.P. 1228 L.D. 1792
(C "A" H-524)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1991

H.P. 1336 L.D. 1929

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

ORDERS

Joint Order

On motion by Senator **VOSE** of Washington the following Joint Order:

S.P. 750

ORDERED, the House concurring, that Bill, "An Act to Improve Grading and Inspection of Maine Sardines," H.P. 552, L.D. 789, 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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Create the Plymouth Water District" (Emergency)

H.P. 1314 L.D. 1900
(C "A" H-530)

In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AS AMENDED BY HOUSE AMENDMENT "A" (H-606)** thereto, in **NON-CONCURRENCE**.

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

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

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:

Resolve

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

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Resolve, to Authorize the County of Franklin to Acquire a Certain Parcel of Land in Coburn Gore
H.P. 774 L.D. 1106
(C "A" H-482)

Senator **MILLS** of Oxford requested a Division.

THE PRESIDENT: The pending question before the Senate is **FINAL PASSAGE**.

A Division has been requested.

Will all those in favor of **FINAL PASSAGE**, please rise in their places and remain standing until counted.

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

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, this Resolve was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information

H.P. 825 L.D. 1179
(S "A" S-298 to C
"A" H-394)

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

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

ENACTORS

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

An Act Relating to Lifiable or Variable Load Suspension Axles for 100,000-pound General Commodity Vehicles

S.P. 152 L.D. 364
(C "A" S-232)

An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace

H.P. 279 L.D. 399
(C "A" H-527)

An Act to Create a Maine "Dig-safe" System

S.P. 186 L.D. 495
(C "A" S-224)

An Act to Amend the Laws Governing Sexual Assault

S.P. 217 L.D. 544
(C "A" S-236)

An Act to Clarify Certain Election Laws

H.P. 749 L.D. 1053
(C "A" H-497)

An Act to Improve Services to At-risk, Pregnant and Parenting Teens

H.P. 762 L.D. 1096
(C "A" H-449)

An Act to Encourage Students to Register and Vote

H.P. 773 L.D. 1105
(C "A" H-452)

An Act to Assist in the Management of Biomedical and Associated Wastes

S.P. 424 L.D. 1136
(C "A" S-275)

An Act Concerning Nursing Assistants

H.P. 805 L.D. 1159
(C "A" H-446)

An Act Regarding Vanity Plates for Automobile Dealers

H.P. 822 L.D. 1176
(C "A" H-460)

An Act to Amend Certain Provisions of the Maine Bail Code

S.P. 440 L.D. 1184
(S "A" S-287 to C
"A" S-237)

An Act Relating to Restructuring the Public Schools

S.P. 445 L.D. 1189
(C "A" S-246; S "A"
S-302)

An Act to Correct Certain Errors and Inconsistencies in the Law Enabling Municipal Development Districts

H.P. 845 L.D. 1211
(C "A" H-442)

An Act to Amend the Laws Governing Motor Vehicles

H.P. 846 L.D. 1212
(C "A" H-439)

An Act Relating to Ordinary Death Benefits under the Maine State Retirement System

H.P. 859 L.D. 1225
(C "A" H-450)

An Act to Provide for Equal Opportunity within the Maine Turnpike Authority

H.P. 872 L.D. 1258
(C "A" H-459)

An Act to Safeguard Production of Ground Water

H.P. 924 L.D. 1321
(C "A" H-542)

An Act to Amend the Uniform Rights of the Terminally Ill Act

H.P. 944 L.D. 1366
(C "A" H-566)

An Act to Prevent Financial Gain by Convicted Drug Offenders

H.P. 969 L.D. 1410
(C "A" H-464)

An Act to Expand the Conflict of Interest Laws for Employees of the Maine State Housing Authority

H.P. 981 L.D. 1426
(C "A" H-466)

An Act to Allow Consumer-owned Water Utilities to Replace Malfunctioning Wastewater Disposal Systems under Certain Circumstances

H.P. 986 L.D. 1431
(C "A" H-516)

An Act to Clarify Use of Motor Vehicle Auxiliary Lights and Emergency Signals

H.P. 990 L.D. 1435
(C "A" H-458)

An Act Concerning Health Insurance for Retired Teachers

S.P. 541 L.D. 1439
(H "A" H-539 to C
"A" S-216)

An Act to Amend the Laws Relating to the Long-term Care Ombudsman Program

S.P. 550 L.D. 1454
(C "A" S-257)

An Act Relating to the Notice of Claim Provisions of the Maine Tort Claims Act

S.P. 557 L.D. 1461
(C "A" S-278)

An Act Relating to Registration of Electrologists

S.P. 561 L.D. 1465
(C "A" S-244)

An Act to Prohibit the Use of Stickers on Trespassing Motor Vehicles

H.P. 1004 L.D. 1472
(C "A" H-451)

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 Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

S.P. 58 L.D. 107
(C "A" S-235)

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

An Act to Ensure Adequate Enforcement of Air Quality Law

H.P. 84 L.D. 112
(C "A" H-578)

THE PRESIDENT: 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 speak very briefly on this Bill to clarify a source of some confusion down the road. Committee Amendment "A" (H-578) to this L.D. was the result of much work by the regulated community, environmental groups, and the DEP. The Energy and Natural Resources Committee also looked closely at these issues.

I would like to clarify the intent of one provision in the Amendment, Section 11. It has been brought to my attention that the statement of fact explaining Section 11 may be somewhat misleading. Section 11 itself provides that the best practical treatment requirement in air licensing may not require a license applicant to use a lower sulphur fuel that was allowed by statute. In setting the sulphur limits for fuel, the Legislature considered the cost imposed on businesses and other consumers. Section 11 is intended to prevent the DEP from imposing additional costs on consumers unless there is a need to do so to meet air quality standards.

However, we should make it clear, and here is where the statement of fact may be misleading, that nothing in this Bill should be interpreted as preventing an applicant from voluntarily using a low sulphur fuel to reduce sulphur emissions to satisfy the best practical treatment. Thank you.

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

An Act to Enact the Passenger Rail Service Act
I.B. 2 L.D. 720
(C "A" H-461)

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

An Act to Amend the Requirement that Contracts Be in Writing

H.P. 662 L.D. 941
(C "A" H-465)

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

An Act to Mandate the Use of Seat Belts
S.P. 381 L.D. 1058
(C "A" S-249)

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

THE PRESIDENT: The pending question before the
Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise
and remain standing in their places until counted.

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

25 Senators having voted in the affirmative and 8
Senators having voted in the negative, this Bill was
PASSED TO BE ENACTED and having been signed by the
President, was presented by the Secretary to the
Governor for his approval.

An Act Regarding the Statute of Limitations in
Cases of Child Abuse and Incest
H.P. 752 L.D. 1086
(C "A" H-564)

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

An Act to Enhance Access to Financing for Health
Care Facilities
H.P. 876 L.D. 1262
(C "A" H-514)

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

An Act to Revise the Maine Horticultural Laws
H.P. 923 L.D. 1320
(H "A" H-571 to C
"A" H-409; H "A"
H-414)

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

An Act to Promote Economic Development
S.P. 515 L.D. 1376
(C "A" S-230)

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the
Senate is **ENACTMENT**.

A Division has been requested.

Will all those in favor of **ENACTMENT**, please rise
and remain standing in their places until counted.

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

19 Senators having voted in the affirmative and
14 Senators having voted in the negative, this Bill
was **PASSED TO BE ENACTED** and having been signed by
the President, was presented by the Secretary to the
Governor for his approval.

An Act to Remove the Statute of Limitations for
Incest and Gross Sexual Assault
H.P. 1015 L.D. 1483
(C "A" H-563)

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

Emergency Resolve

Resolve, for Laying of the County Taxes and
Authorizing Expenditures of Knox County for the Year
1991
H.P. 1337 L.D. 1930

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 **FINALLY
PASSED** and having been signed by the President, was
presented by the Secretary to the Governor for his
approval.

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

ENACTORS

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

An Act to Update Certain Laws Regarding Corporations, Lobbyists and Notaries

H.P. 1032 L.D. 1505
(C "A" H-491)

An Act Concerning the Sale of Surplus State Property

H.P. 1042 L.D. 1515
(C "A" H-493)

An Act to Clarify Statutory Provisions Relating to Asset Forfeiture

H.P. 1043 L.D. 1516
(C "A" H-511)

An Act to Amend the Maine State Retirement System Laws Relating to Military Service Credits

H.P. 1047 L.D. 1520
(C "A" H-485)

An Act Concerning Beano or Bingo

H.P. 1049 L.D. 1522
(C "A" H-529)

An Act to Provide Training for Long-term Care Facilities Personnel

H.P. 1056 L.D. 1545
(C "A" H-448)

An Act to Ensure Preservation of Burial Grounds

H.P. 1058 L.D. 1547
(C "A" H-495)

An Act to Limit Major Third-party Payor Status to Governmental Payors and Make Other Technical Changes in the Laws Affecting Hospital Financing

S.P. 594 L.D. 1579
(S "A" S-306 to H "A" H-367)

An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases

S.P. 598 L.D. 1583
(C "A" S-265)

An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle

S.P. 599 L.D. 1584
(C "A" S-262)

An Act Regarding the Forest Management Plan Requirements

H.P. 1098 L.D. 1597
(C "A" H-519)

An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt

H.P. 1101 L.D. 1600
(C "A" H-456)

An Act Relating to Unavoidable Equipment Malfunctions

S.P. 625 L.D. 1629
(C "A" S-276)

An Act Regarding Doe Permits

H.P. 1109 L.D. 1634
(C "A" H-440)

An Act to Promote the Beneficial Use of Solid Waste

H.P. 1126 L.D. 1651
(C "A" H-518)

An Act to Preserve the Confidentiality of Communications by Interpreters for the Deaf

H.P. 1138 L.D. 1663
(C "A" H-510)

An Act to Exempt Certain Medical and Juvenile Records from the Freedom of Access Law

H.P. 1144 L.D. 1669
(C "A" H-463)

An Act to Clarify the Laws Pertaining to Underground Oil Storage Tanks

H.P. 1150 L.D. 1675
(C "A" H-577)

An Act to Allow the Officers of a Municipality the Option to Designate the State Police as That Municipality's Issuing Authority for Concealed Weapons

H.P. 1154 L.D. 1695
(C "A" H-496)

An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies

H.P. 1166 L.D. 1707
(C "A" H-498)

An Act Relating to the Maine Criminal Justice Commission

H.P. 1186 L.D. 1729
(C "A" H-523)

An Act to Amend the Law Concerning the Cost-sharing Formula for School Administrative Districts

H.P. 1203 L.D. 1759
(C "A" H-445)

An Act to Amend the Procedure for Revoking a Law Enforcement Officer's Certification as a Result of the Conviction of a Crime

H.P. 1213 L.D. 1771

An Act to Amend Certain Provisions of the Inland Fisheries and Wildlife Laws

H.P. 1226 L.D. 1784
(C "A" H-558)

An Act to Improve the Execution and Administration of Arrest Warrants and Implement the Recommendations of the Warrants Subcommittee of the Commission to Implement the Computerization of Criminal History Record Information

S.P. 672 L.D. 1786
(C "A" S-264)

An Act to Authorize Operation of a 6-axle Single Unit Truck and a Combination Vehicle with a 53-foot Semitrailer Resulting from the Experimental Vehicle Program

S.P. 674 L.D. 1788
(C "A" S-248)

An Act to Amend the Provisions Regarding Post-judgment Interest

H.P. 1247 L.D. 1814
(H "A" H-532 to C
"A" H-462)

An Act to Provide Accountability for Certain Purchased Services by the Bureau of Mental Health

H.P. 1252 L.D. 1820
(C "A" H-474)

An Act to Improve Implementation of the Maine Indian Claims Settlement Laws

H.P. 1272 L.D. 1843
(C "A" H-509)

An Act to Amend the Berwick Sewer District Charter

H.P. 1339 L.D. 1931

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 Amend the Laws Governing License Plates and Placards for Disabled Veterans

S.P. 585 L.D. 1538
(C "A" S-247)

On motion by Senator **THERIAULT** of Aroostook, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

An Act to Establish the Locations of State Liquor Stores

S.P. 630 L.D. 1678
(C "A" S-245)

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

An Act to Provide Additional Protection for Victims of Criminal Threatening, Terrorizing and Harassment

S.P. 638 L.D. 1686
(C "A" S-279)

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

An Act to Establish a Public Solid Waste Facilities Loan and Grant Program

S.P. 641 L.D. 1689
(C "A" S-277; S "A"
S-303)

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

An Act to Set Priorities in the Tax Setoff Program

S.P. 647 L.D. 1692
(C "A" S-227)

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

An Act to Encourage Increased Investment and Employment in the State

H.P. 1156 L.D. 1697
(C "A" H-443)

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

An Act to Increase Access to Federal Health Care Benefits

S.P. 658 L.D. 1734
(C "A" S-243)

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

An Act to Extend the Commission to Study the Future of Maine's Courts

H.P. 1280 L.D. 1850
(C "A" H-508)

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

An Act Concerning the Maine Student Incentive Scholarship Program

H.P. 1192 L.D. 1745
(C "A" H-444)

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

An Act Concerning Railroad Personnel

H.P. 1309 L.D. 1891
(C "A" H-557)

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

An Act to Create Special Veteran Plates and Emblems

H.P. 1221 L.D. 1779
(C "A" H-480)

On motion by Senator **THERIAULT** of Aroostook, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

Senator **MILLS** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **MILLS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. On L.D. 1522, "An Act Concerning Beano or Bingo" that we just Passed to be Enacted, the Indian Representatives brought to my attention in the statement of fact it mentions the Indian Tribes, and it goes on to mention the Penobscot Tribes, but does not mention the Passamaquoddy Tribe, and they wanted me to put on the Record that the Bill included both tribes. Thank you.

An Act to Amend the Minimum Requirements for Emergency Medical Technicians

H.P. 1230 L.D. 1794
(C "A" H-512)

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

ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (Emergency)

S.P. 660 L.D. 1736

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-269)**.

Tabled - June 10, 1991, by Senator **BERUBE** of Androscoggin

Pending - **ACCEPTANCE** of Committee Report

(In Senate, June 4, 1991, Report **READ**.)

An Act Concerning Room Requirements for Hotels under the Liquor Licensing Laws

S.P. 687 L.D. 1828
(C "A" S-268)

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

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

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

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
(C "A" S-225)

Tabled - June 10, 1991, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION

(In Senate, June 4, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225).)

(In House, June 6, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-225) AS AMENDED BY HOUSE AMENDMENT "A" (H-581) thereto, in NON-CONCURRENCE.)

On motion by Senator CLARK of Cumberland, the Senate RECEDED from PASSAGE TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from ADOPTION of Committee Amendment "A" (S-225).

House Amendment "A" (H-581) to Committee Amendment "A" (S-225) READ.

On further motion by same Senator, House Amendment "A" (H-581) to Committee Amendment "A" (S-225) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-336) to Committee Amendment "A" (S-225) READ and ADOPTED.

Committee Amendment "A" (S-225) as Amended by Senate Amendment "A" (S-336) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Encourage Waste Reduction and Recycling
S.P. 613 L.D. 1617
(C "A" S-210)

Tabled - June 10, 1991, by Senator CLARK of Cumberland

Pending - ENACTMENT

(In Senate, May 28, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210).)

(In House, June 10, 1991, PASSED TO BE ENACTED.)

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

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

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
(H "A" H-375 to C "A" H-305)

Tabled - June 10, 1991, by Senator CLARK of Cumberland

Pending - FURTHER CONSIDERATION

(In Senate, June 10, 1991, the Senate RECEDED and CONCURRED. Subsequently, RECONSIDERED whereby the Senate RECEDED and CONCURRED.)

(In Senate, May 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "A" (H-375) thereto, in concurrence.)

(In House, May 28, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "D" (H-599) thereto, in NON-CONCURRENCE.)

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

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

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco

S.P. 349 L.D. 951
(C "A" S-200)

Tabled - June 10, 1991, by Senator CONLEY of Cumberland

Pending - FURTHER CONSIDERATION

(In Senate, May 28, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200).)

(In House, June 10, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200) AS AMENDED BY HOUSE AMENDMENT "A" (H-602) thereto, in NON-CONCURRENCE.)

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

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

An Act Relating to the Education of Homeless Students

S.P. 466 L.D. 1249
(C "A" S-274)

Tabled - June 10, 1991, by Senator CLARK of Cumberland

Pending - ENACTMENT

(In Senate, June 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274).)

(In House, June 10, 1991, PASSED TO BE ENACTED.)

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, the Senate SUSPENDED THE RULES.

On further motion by same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-274).

On further motion by same Senator, Senate Amendment "A" (S-335) to Committee Amendment "A" (S-274) READ and ADOPTED.

Committee Amendment "A" (S-274) as Amended by Senate Amendment "A" (S-335) thereto, ADOPTED in NON-CONCURRENCE.

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

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

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

An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine
S.P. 154 L.D. 366
(C "A" S-286)

Comes from the House FAILING OF ENACTMENT.

Tabled - June 10, 1991, by Senator ESTES of York

Pending - ENACTMENT

(In Senate, June 5, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-286).)

(In House, June 10, 1991, FAILED OF ENACTMENT.)

On motion by Senator ESTES of York, the Senate SUSPENDED THE RULES.

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

On further motion by same Senator, Senate Amendment "A" (S-337) READ and ADOPTED.

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

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

On motion by Senator CLARK of Cumberland, the Senate removed from the Tabled and Later Today Assigned matter:

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
(H "A" H-375 to C
"A" H-305)

Tabled - June 10, 1991, by Senator CLARK of Cumberland

Pending - FURTHER CONSIDERATION

(In Senate, June 10, 1991, the Senate RECEDED and CONCURRED. Subsequently, RECONSIDERED whereby the Senate RECEDED and CONCURRED.)

(In Senate, May 30, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "A" (H-375) thereto, in concurrence.)

(In House, May 28, 1991, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "D" (H-599) thereto, in NON-CONCURRENCE.)

On further motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

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

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

An Act to Increase Mobile Home Park License Fees
H.P. 392 L.D. 566
(C "A" H-556)

Comes from the House **FAILING OF ENACTMENT**.

Tabled - June 10, 1991, by Senator **CAHILL** of Sagadahoc

Pending - the motion by Senator **MILLS** of Oxford to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**

(In Senate, June 6, 1991, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556)**, in concurrence.)

(In House, June 10, 1991, **FAILED OF ENACTMENT.**)

On motion by Senator **MILLS** of Oxford, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

SECOND READERS

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

Senate

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash
S.P. 747 L.D. 1943

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

SECOND READERS

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

House

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach"
H.P. 1269 L.D. 1840

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

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

Off Record Remarks

On motion by Senator **TITCOMB** of Cumberland, **ADJOURNED** until Tuesday, June 11, 1991, at 9:00 in the morning.