

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

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:

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (Emergency)

H.P. 1262 L.D. 1758

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION (In Senate, June 16, 1989, PASSED TO BE ENGROSSED, in concurrence.)

(In House, June 20, 1989 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-642) in NON-CONCURRENCE.)

The Senate RECEDED and CONCURRED. Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Off Record Remarks

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 BALDACCI of Penobscot the following Joint Order: S.P. 658

ORDERED, the House concurring, that "An Act to Recover Windfall Profits from Bottle Deposits," H.P. 787, L.D. 1099, be recalled from the Governor's desk to the Senate.

Which was READ and PASSED.

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

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

Off Record Remarks

Senate at Ease
Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on TAXATION on Bill "An Act Regarding State Forest Practice Laws"

H.P. 315 L.D. 429

REPORT - Ought to Pass as Amended by Committee Amendment "B" (H-635).

Tabled - June 20, 1989, by Senator CLARK of Cumberland.

Pending - ACCEPTANCE OF THE COMMITTEE REPORT (In Senate, June 20, 1989, Report READ.)

(In House, June 20, 1989, Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-635).)

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

Off Record Remarks

On motion by Senator TITCOMB of Cumberland, RECESSED until 6:30 this evening.

After Recess

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 to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) S.P. 594 L.D. 1671

Tabled - June 20, 1989, by Senator HOBBS of York.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (S-344)

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ.)

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment clarifies when a court may award attorney's fees in a case concerning the issuance of a bad check or other worthless instrument. That doesn't mean much to you, but let me explain the scenario. The Judiciary Committee was concerned with a Bill regarding the issue of worthless instruments. Unfortunately, because of a printing error, the Committee inadvertently left out the issue of whether or not attorney's fees may be awarded. It was the testimony, and the intent of the sponsor and the testimony, and the intent of the proponents at the hearing that this be the case. Unfortunately, it was inadvertently left out from the time the Bill left our Committee to the time it was Enacted. It is not a substantive change.

On further motion by same Senator, Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment is a clarification. It gives the Office of Comprehensive Land Use Planning one additional month to prepare and distribute to municipalities a guidebook on mobile home park siting. The deadline was August 21, 1989, this Amendment extends the deadline to September 21, 1989, which will give the office the time necessary to incorporate the changes in the law that have been made this session. Again, the reason this Amendment is before you is because

the Committee thought even though it was the spirit of the initial law, it was considered to be a substantive change and we wanted consideration by both Body's on this Amendment.

On further motion by same Senator, Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This is a very simple one. It incorporates the word "and". It essentially is a technical error which was presented. It is not substantive.

On further motion by same Senator, Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) ADOPTED.

On motion by Senator HOBBS of York, the Senate SUSPENDED THE RULES.

On further motion by same Senator, Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator HOBBS: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment corrects a reference to a repealed section of the law. I bring your attention to Title 9-B under our statutes. The term "security dealer" has been replaced by the term "broker-dealer", which has a broader definition than the old term but includes everyone who would have been a security dealer under the prior law. Essentially, it changes the term, it does not change what occurs. It is substantive only in the sense that the two definitions are not identical. It is not a substantive change in that the individual who originally was referred to as a security dealer is now referred to as a broker-dealer. Again, it is not a substantive change.

On further motion by same Senator, Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) ADOPTED.

On further motion by same Senator, Tabled until Later in Today's Session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-344) AS AMENDED BY SENATE AMENDMENTS "A" (S-360) AND "C" (S-362) AND "E" (S-364) AND "H" (S-367), thereto.

Senate at Ease
Senate called to order by the President.

Off Record Remarks

On motion by Senator KANY of Kennebec, RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

Off Record Remarks

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 Immunity From Liability for Incorporators of Certain Hospitals"

H.P. 1275 L.D. 1769

In House, June 20, 1989, referred to the Committee on JUDICIARY and ORDERED PRINTED.

In Senate, June 20, 1989, under suspension of the Rules, READ TWICE and PASSED TO BE ENGROSSED, without reference to a Committee, in NON-CONCURRENCE

Comes from the House, that Body ADHERED.

The Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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 Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities"

S.P. 494 L.D. 1368

(C "A" S-348)

In Senate, June 20, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348) AS AMENDED BY HOUSE AMENDMENT "A" (H-662) thereto, in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMITTEE REPORTS

House

Ought Not to Pass

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

The Committee on TAXATION on Bill "An Act to Amend the Tree Growth and Farm and Open Space Laws"

H.P. 395 L.D. 526

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 ENERGY AND NATURAL RESOURCES on Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (Emergency)

H.P. 1025 L.D. 1431

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-640).

Signed:

Senators:

KANY of Kennebec
ERWIN of Oxford
LUDWIG of Aroostook

Representatives:

SIMPSON of Casco
JACQUES of Waterville
LORD of Waterboro
ANDERSON of Woodland
COLES of Harpswell
MICHAUD of East Millinocket
HUGLUND of Portland
MITCHELL of Freeport

The Minority of the same Committee on the same subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-641).