

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

March 20, 1990 to April 14, 1990

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 7, 1988 to April 14, 1990

Bill, and we are all going to have to make new calculations as a result.

I am frankly getting tired of this, and I would ask that someone please Table this Bill 1 Legislative Day.

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

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later (4/7/90) Assigned matter:

Emergency

An Act to Provide Funds for the Maine Solid Waste Management Fund

H.P. 1821 L.D. 2494

Tabled - April 7, 1990, by Senator CLARK of Cumberland.

Pending - ENACTMENT
(In Senate, April 6, 1990, PASSED TO BE ENGROSSED, in concurrence.)

(In House, April 7, 1990, PASSED TO BE ENACTED.)

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

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

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1990

H.P. 1822 L.D. 2495

Tabled - April 7, 1990, by Senator DUTREMBLE of York.

Pending - FINAL PASSAGE
(In House, April 7, 1990, FINALLY PASSED.)
(In Senate, April 7, 1990, PASSED TO BE ENGROSSED, in concurrence.)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 3 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.

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

Bill "An Act to Establish a Five-year Medical Liability Demonstration Project"

S.P. 782 L.D. 2023

Tabled - April 7, 1990, by Senator CLARK of Cumberland.

Pending - FURTHER CONSIDERATION
(Reported pursuant to Joint Rule 13.)
(In Senate, April 5, 1990, Bill and Accompanying Papers RECOMMITTED to the Committee on JUDICIARY.)

(In House, April 6, 1990, Bill and Accompanying Papers INDEFINITELY POSTPONED in NON-CONCURRENCE.)

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

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

ENACTORS

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

Emergency

An Act to Amend Maine's Underground Oil Storage Law

S.P. 632 L.D. 1725

(H "A" H-1071 to C "A" S-633)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in 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.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 927 L.D. 2345

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-682).

Signed:

Senators:

HOBBINS of York
GAUVREAU of Androscoggin

Representatives:

PARADIS of Augusta
CONLEY of Portland
STEVENS of Bangor
ANTHONY of South Portland
FARNSWORTH of Hallowell
COTE of Auburn

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

Signed:

Senator:

HOLLOWAY of Lincoln

Representatives:

RICHARDS of Hampden
HASTINGS of Fryeburg
MACBRIDE of Presque Isle
HANLEY of South Paris

Which Reports were READ.

Senator HOBBINS of York moved to ACCEPT the Majority OUGHT TO PASS AS AMENDED 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 like to pose a question to Senator Hobbins. Would he please explain to the Body the significance of this legislation. The Chair recognizes the Senator from York, Senator Hobbins.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Hobbins.

Senator HOBBINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. The Senator from Franklin, Senator Webster, asked me a question concerning the significance of this Errors and Inconsistencies Bill.

Quite frankly, the way I have been feeling lately, I feel as the Minority of the Bill, those who signed reported that we vote this Bill Ought Not to Pass. Let me explain to you the reason for their signatures. I believe it is a matter of civil disobedience on the part of the Minority Members of

our Committee. Obviously, I respect their significant tokenism, however, the responsible thing to do, obviously, is to support the Ought to Pass Report.

The Errors and Consistencies Bill, as you know, in my first dealings with the Maine Legislature, sometimes was used and abused as a mechanism to utilize the system. However, during my tenor as the Senate Chair of the Committee, and I believe during the past several terms of this particular Legislative Body, the Errors Bill has been a positive, useful tool, in order to insure legislative economy, and insuring those matters which have been inadvertently omitted from statutes have been included. In those errors and those inconsistencies with our statutes have been provided for thought a cogent review by the Judiciary Committee. But, I do understand and respect the Minority Members of my Committee for their tokenism of civil disobedience.

On motion by Senator HOBBS of York, the Majority OUGHT TO PASS AS AMENDED Report was ACCEPTED. The Bill READ ONCE.

Committee Amendment "A" (S-682) READ and ADOPTED. Which was, under suspension of the Rules READ A SECOND TIME.

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

Senator KANY: Mr. President. Ladies and Gentlemen of the Senate. I am having an Amendment drafted, and would like to offer it to the Committee Amendment, so I am hoping that we do not have our Second Reading at this time.

Senate at Ease
Senate called to order by the President.

Which was 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:
PAPERS FROM THE HOUSE
House Papers

Resolve, to Reimburse Certain Municipalities on Account of Taxes Lost Due to Lands Being Classified Under the Tree Growth Tax Law (Emergency)
H.P. 1823 L.D. 2496

Committee on TAXATION 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.

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

ORDERS OF THE DAY

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

Resolve, to Establish the Commission to Study the Harness Racing Industry (Emergency)
S.P. 781 L.D. 2022
(C "A" S-556)

Tabled - March 8, 1990, by Senator CLARK of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED (In Senate, March 8, 1990, READ A SECOND TIME.)

On motion by Senator CLARK of Cumberland, Bill and Accompanying Papers INDEFINITELY POSTPONED.

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:

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 6, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
114th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning the State Minimum Wage" (H.P. 1646) (L.D. 2279) (C "A" H-1046):

Representative MCHENRY of Madawaska
Representative RUHLIN of Brewer
Representative PARENT of Benton

Sincerely,
S/Edwin H. Pert
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

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

COMMITTEE REPORTS

House

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act Concerning the State Minimum Wage" H.P. 1646 L.D. 2279

Have had the same under consideration and ask leave to report that they are Unable to Agree.

Signed on the part of the House:
Representative MCHENRY of Madawaska
Representative RUHLIN of Brewer
Representative PARENT of Benton

Signed on the part of the Senate:
Senator BUSTIN of Kennebec
Senator DUTREMBLE of York
Senator WHITMORE of Androscoggin

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

Which Report was READ.

On motion by Senator DUTREMBLE of York, Tabled until Later in Today's Session, pending ACCEPTANCE of the Report.

Off Record Remarks

ORDERS OF THE DAY

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

An Act to Reduce Toxics Use, Toxics Release and Hazardous Waste Generation

H.P. 1583 L.D. 2192
(C "A" H-1082)