

# 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).

Signed:  
Representatives:  
DEXTER of Kingfield  
GOULD of Greenville

Comes from the House the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.

Which Reports were READ.

On motion by Senator KANY of Kennebec, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-640) READ.

On motion by Senator KANY of Kennebec, Tabled until Later in Today's Session, pending ADOPTION of Committee Amendment "A" (H-640), in concurrence.

#### 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) AS AMENDED BY SENATE AMENDMENTS "A" (S-360) AND "C" (S-362) AND "E" (S-364) AND "H" (S-367), thereto

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ. Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ and ADOPTED.)

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

On further motion by same Senator, Senate Amendment "B" (S-361) 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 strictly a technical Amendment. It corrects the spelling of vietnam to make it one word, rather than two.

On further motion by same Senator, Senate Amendment "B" (S-361) 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 "D" (S-363) 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 strikes a reference to a repealed section and replaces it with a more appropriate reference. It is strictly technical.

On further motion by same Senator, Senate Amendment "D" (S-363) 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 "F" (S-365) 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 statutory references which reflect the intent of a certain Public Law. The Public Law of 1985, chapter 763, to repeal legislation duplicating the good Senator from Kennebec, Senator Kany's favorite act, the Maine Administrative Procedure Act.

On further motion by same Senator, Senate Amendment "F" (S-365) 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 "G" (S-366) 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. The law originally permitted free fishing permits for residents of "adult foster care facilities", as defined in Title 22, section 7901, of our statutes. Regulation of adult foster care facilities was combined with "boarding homes" in 1985, repealing that particular section of the law and replacing it with another section. So, what this does under the new law is what used to be called adult foster care facilities is now called adult foster homes. Technical in nature.

On further motion by same Senator, Senate Amendment "G" (S-366) 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 "I" (S-368) 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. There was L.D. 56, which related to liquor license surcharges and what this does is it inserts a section on liquor license surcharges which is needed to correct inaccurate license fees in the statute. Unfortunately, it was inadvertently omitted during the printing of L.D. 56, which is now Public Law 1989, chapter 158.

On further motion by same Senator, Senate Amendment "I" (S-368) 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 "J" (S-369) 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 technical Amendment. In 1989, this year, we passed a law amending the Maine Law under Title 39, section 51-B, to reduce the time period in which an employer must pay for medical services provided to an injured employee from ninety days to seventy-five days. Chapter 256, of section 3, amended the Maine Revised Statutes, Title 39, section 51-B, subsection 7, to reflect that change, but did not correct one

reference to the ninety day period. Again, what this does is it corrects the omission to make sure that it is consistent throughout the statute. It was the intent of the Committee and it was cleared through all the appropriate channels.

On further motion by same Senator, Senate Amendment "J" (S-369) 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 "K" (S-370) 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 Amendment to clarify the current law; namely, that a fine may be partially suspended or wholly suspended accompanied by probation. Again, it is technical in nature.

On further motion by same Senator, Senate Amendment "K" (S-370) 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 "Q" (S-376) 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 an Amendment that corrects the statutory reference in the election laws. Technical, not substantive.

On further motion by same Senator, Senate Amendment "Q" (S-376) 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 "L" (S-371) 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 an oversight that occurred when the new sentence alternative in chapter 54-B, section 1341 was added to the Maine Criminal Code. Section 1152, subsection 2, is designed to include all sentence alternatives applicable to natural persons with the single exception of restitution, which is addressed in subsection 2-A. It sounds substantive, but it really is only technical.

On further motion by same Senator, Senate Amendment "L" (S-371) 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 "N" (S-373) 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 technical Amendment which corrects a reference to the prosecutor's office and the Maine Criminal Code. The present reference to the district attorney's office is incorrect because it fails to provide notice to the office of Attorney General in those cases which that office handles the underlying prosecution. I am sure there is some who probably wouldn't like to

notify the Attorney General's office, but it is needed and required.

On further motion by same Senator, Senate Amendment "N" (S-373) 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 "R" (S-377) 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 Bill relates to the office of the Department of the Secretary of State. It is an Amendment which clarifies the status of three positions funded in the Secretary of State by Public Law 1989, chapter 7. These positions were intended to be confidential, unclassified positions, but that indication was inadvertently left out of the Committee Amendment. Again, it sounds like a substantive Amendment, but it is my understanding that it was an inadvertent error and the positions were intended to be unclassified positions and confidential.

On further motion by same Senator, Senate Amendment "R" (S-377) 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 "M" (S-372) 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 amends Title 20-A of our statutes relating to the education laws. This Amendment clarifies a repeal provision in the education laws. It is technical in nature.

On further motion by same Senator, Senate Amendment "M" (S-372) 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 "P" (S-375) 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 makes a technical correction to that very important Waldoboro Sewer District Charter. That is basically technical in nature.

On further motion by same Senator, Senate Amendment "P" (S-375) 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), "C" (S-362), "E" (S-364), "H" (S-367), "B" (S-361), "D" (S-363), "F" (S-365), "G" (S-366), "I" (S-368), "J" (S-369), "K" (S-370), "Q" (S-376), "L" (S-371), "N" (S-373), "R" (S-377), "M" (S-372), "P" (S-375), "O" (S-374), and "S" (S-378) thereto.

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 Establish a Budget Committee for  
Kennebec County

S.P. 592 L.D. 1669  
(H "A" H-634 to C "A"  
S-323)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in 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.

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, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-635).)

Which Report was ACCEPTED, in concurrence. The Bill READ ONCE.

Committee Amendment "B" (H-635) READ. On motion by Senator ANDREWS of Cumberland, Senate Amendment "B" (S-379) to Committee Amendment "B" (H-635) READ.

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

Senator EMERSON: Thank you Mr. President. Could someone please explain this Amendment?

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

Senator ANDREWS: Thank you Mr. President. Mr. President, men and women of the Senate. From the nod across the way, I understand that Senator Emerson from Penobscot, does, in fact know what this Amendment does. It is a very technical Amendment dealing with the effective date of the law.

On further motion by same Senator, Senate Amendment "B" (S-379) to Committee Amendment "B" (H-635) ADOPTED.

Committee Amendment "B" (H-635) as Amended by Senate Amendment "B" (S-379) thereto, ADOPTED in NON-CONCURRENCE.

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 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) AS AMENDED BY SENATE AMENDMENTS "A" (S-360), "C" (S-362), "E" (S-364), "H" (S-367), "B" (S-361), "D" (S-363), "F" (S-365), "G" (S-366), "I" (S-368), "J" (S-369), "K" (S-370), "Q" (S-376), "L" (S-371), "N" (S-373), "R" (S-377), "M" (S-372), "P" (S-375), "O" (S-374), and "S" (S-378) thereto.

(In Senate, June 20, 1989, Committee Amendment "A" (S-344) READ. Senate Amendment "A" (S-360) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "C" (S-362) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "E" (S-364) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "H" (S-367) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "B" (S-361) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "D" (S-363) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "F" (S-365) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "G" (S-366) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "I" (S-368) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "J" (S-369) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "K" (S-370) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "Q" (S-376) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "L" (S-371) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "N" (S-373) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "M" (S-372) to Committee Amendment "A" (S-344) READ and ADOPTED. Senate Amendment "P" (S-375) to Committee Amendment "A" (S-344) READ and ADOPTED.)

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

On further motion by same Senator, Senate Amendment "O" (S-374) 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 looks substantive, but it basically is technical. When we changed the law regarding the use and utilization of intensive supervision we did not clarify into statute the appropriate provisions. This Amendment clarifies the references to those provisions in the Maine Criminal Code relating to general principles of criminal law, punishment, and other offense applicable to crimes outside of the code, specifically including the chapter on intensive supervision. It is consistent with the spirit of the law that was passed establishing intensive supervision as an alternative to sentencing.

On further motion by same Senator, Senate Amendment "O" (S-374) 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 "S" (S-378) 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 makes it clear that the limit on local firearms regulations does not interfere with law enforcement agency authority to regulate the guns used by law enforcement officers as employees of that

agency. This is an important Amendment, which is consistent with the preemption Bill that passed this Session and we needed to clarify that matter.

On further motion by same Senator, Senate Amendment "S" (S-378) to Committee Amendment "A" (S-344) ADOPTED.

Committee Amendment "A" (S-344) as Amended by Senate Amendments "A" (S-360); "C" (S-362); "E" (S-364); "H" (S-367); "B" (S-361); "D" (S-363); "F" (S-365); "G" (S-366); "I" (S-368); "J" (S-369); "K" (S-370); "Q" (S-376); "L" (S-371); "N" (S-373); "R" (S-377); "M" (S-372); "P" (S-375); "O" (S-374); and "S" (S-378) thereto, ADOPTED.

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.

Senate at Ease

Senate called to order by the President.

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

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

H.P. 1176 L.D. 1630  
(C "A" H-586)

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

Pending - ENACTMENT

(In Senate, June 16, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586), in concurrence.)

(In House, June 19, 1989, PASSED TO BE ENACTED.)

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

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

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

On further motion by same Senator, the Senate RECONSIDERED whereby it ADOPTED Committee Amendment "A" (H-586).

On further motion by same Senator, Senate Amendment "B" (S-380) to Committee Amendment "A" (H-586) READ and ADOPTED.

Committee Amendment "A" (H-586) as Amended by Senate Amendment "B" (S-380) 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:

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

H.P. 1025 L.D. 1431

Tabled - June 20, 1989, by Senator KANY of Kennebec.

Pending - ADOPTION OF COMMITTEE AMENDMENT "A" (H-640), in concurrence.

(In Senate, June 20, 1989, the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) Report READ and ACCEPTED, in concurrence. Committee Amendment "A" (H-640) READ.)

(In House, June 20, 1989, 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-640) AS AMENDED BY HOUSE AMENDMENTS "D" (H-661) AND "E" (H-663) thereto.)

On motion by Senator BALDACCI of Penobscot, Senate Amendment "A" (S-353) to Committee Amendment "A" (H-640) READ.

THE PRESIDENT: The Chair recognizes the same Senator.

Senator BALDACCI: Thank you Mr. President. Mr. President, men and women of the Senate. This Amendment deletes the provisions of the Committee Report pertains to wine, soft drinks, and liquor, it does because at the nub of this issue, we are talking about a distribution network. Presently, the bottle bill works, because of the distribution network that there is in place. It comes from a national manufacturer to a franchisee, who has a particular area of the state, a particular geography, to cover and it goes then to a retailer. Once the retailer has sold it to the consumer and the consumer returns it back to the retailer, the franchise distributor can then pick it up and then return it for recycling or redemption. That is the present system.

The proposal by the Committee is not a bad idea to try to solve the solid waste situation, but it is the distribution network that is at issue here. That little grocery store that is handling all of those bottles and cans that has recently expanded, added a little shed, so that they can store their bottles and cans, or the big grocery stores, that have a little room that they take in bottles and cans that are overflowing with bottles and cans, it is that area that is going to have to be expanded.

It is that area that nobody knows who is going to pick up those bottles and cans. It is the redemption center that is going to have those additional bottles, cans, and plastic containers that doesn't know who is going to come and pick them up, because they don't have a common distributor. We are talking about an area where there is no common distributors. There are five or six different companies that distribute very fine juices, or dole juices, or the other types of juices, that is the problem. Nobody is going to take responsibility for it. How are you going to enforce a law to require somebody to pick it up when nobody is going to say I delivered that? The first problem that has to be addressed is the distribution network. If you want to changed the distribution network and have a common banker who collects it and then distributes it, then say that in the Bill. Say that you are going to increase the cost to the consumer, tremendously. There is no question about it. That is what you are purporting here today. What it ultimately is going to do is tremendously reorganize the entire system and it is going to eliminate the choices that consumers have and it is going to tremendously increase the prices that consumers have to pay. But, it is not addressed anywhere here in this legislation.

I think in proposing the Amendment, we are saying that there is a problem with solid waste. There is a problem with landfills, there is not enough of them and you can get anybody to start citing, designing, engineering, and building landfills to handle the situation. There is no provision in this Bill that is encouraging anybody to do any recycling or any redemption. There is no incentive here. Is my little corner grocery store going to have to add on as big of a building to house what he has now, to handle what he is going to be receiving back? Is he going to be forced to do that? I think those are the issues that are of concern that are not being