

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

**One Hundred And Sixteenth Legislature**

OF THE

**State Of Maine**

**VOLUME III**

**FIRST REGULAR SESSION**

**Senate**

December 2, 1992 to May 18, 1993

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

In Senate Chamber  
Tuesday  
February 9, 1993

Senate called to Order by the President, Dennis L. Dutremble of York.

Prayer by Pastor David Simpson of the Mt. Blue Assembly of God Church in Farmington.

**PASTOR DAVID SIMPSON:** Let us pray. Lord we praise you today that you are a mighty God that we serve, a God that has been with us throughout history, through whose power we have liberty and by whose justice we have beheld a vision of a righteous nation. Help us not be unmindful of the heritage which is ours, not of our deserving but by your providence and bought with diligence, scholarship, and sacrifice. Help us to be worthy to stand in this place in the time allotted to us, and with steadfast courage and unwaivering hope to fulfill the tasks which thy will demands be done. In Jesus' name, Amen.

Reading of the Journal of Thursday, February 4, 1993.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Energy Standards for Electrically Heated Residential Buildings"  
H.P. 251 L.D. 330

Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

Resolve, Directing the Department of Economic and Community Development to Review Assistance for Industries

H.P. 231 L.D. 299

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

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

Bill "An Act to Increase Insurance Tax Premiums"  
H.P. 232 L.D. 300

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

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

Bill "An Act Regarding Diesel Truck Registration"  
H.P. 239 L.D. 307

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

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

COMMUNICATIONS

The Following Communication: S.P. 124

116TH MAINE LEGISLATURE

February 4, 1993

Senator John J. O'Dea  
Rep. Elizabeth H. Mitchell  
Chairpersons  
Joint Standing Committee on Education  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert J. Roy of Yarmouth for appointment as the student member, Brian C. Thayer of Manchester for appointment and Edward F. Gorham of

Randolph and Roy P. Hibyan of Jonesport for reappointments as members of the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/John L. Martin  
Speaker of the House

Rep. Anne M. Larrivee, of Gorham, Chair  
Rep. James V. Oliver, of Portland  
Rep. Mary R. Cathcart, of Orono  
Rep. Donald H. Gean, of Alfred  
Rep. Sophia Douglass Pfeiffer, of Brunswick  
Rep. Birger T. Johnson, of South Portland  
Rep. Harry W. Bailey, of Township 27  
Rep. Dean F. Clukey, of Houlton  
Rep. Ruel P. Cross, of Dover-Foxcroft  
Rep. John P. Marshall, of Eliot

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

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

Sent down for concurrence.

The Following Communication:

**STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

Interdepartmental Memorandum

February 1, 1993

To: Joy O'Brien  
Secretary of the Senate

From: S/John D. LaFaver  
State Tax Assessor

Subject: Revenue Report for Fiscal Year 1992

Enclosed herewith is the Bureau of Taxation's Annual Revenue Report for Fiscal 1992.

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

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

February 4, 1993

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to Joint Rule 16, please be advised that the following House members were appointed on January 14, 1993, to serve on the Joint Select Committee on Corrections:

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333**

February 4, 1993

Honorable Joy J. O'Brien  
Secretary of the Senate  
State House Station 3  
Augusta, Maine 04333

Dear Madam Secretary:

Pursuant to Joint Rule 16, please be advised that the following House members were appointed on December 17, 1992, to serve on the Joint Select Committee on Rules:

Rep. Charlene B. Rydell, of Brunswick, Chair  
Rep. Elizabeth H. Mitchell, of Vassalboro  
Rep. Clyde A. Hichborn, of Howland  
Rep. James Reed Coles, of Harpswell  
Rep. Marge L. Kilkelly, of Wiscasset  
Rep. Ellen W. Walker, of Blue Hill  
Rep. Gary W. Reed, of Falmouth  
Rep. Richard A. Bennett, of Norway  
Rep. David N. Ott, of York  
Rep. Debra D. Plowman, of Hampden

Sincerely,

S/Joseph W. Mayo  
Clerk of the House

Which was **READ** and **ORDERED PLACED ON FILE**.

The Following Communication:

**COMMITTEE ON EDUCATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 4, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Peter E. Geiger of Lewiston, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Sen. O'Dea of Penobscot, Sen. Lawrence of York, Sen. Amero of Cumberland
	Rep. 10	Rep. Mitchell of Vassalboro, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick, Rep. Simonds of Cape Elizabeth, Rep. Cloutier of South Portland, Rep. Pinette of Fort Kent, Rep. Stevens of Orono, Rep. Norton of Winthrop, Rep. Ault of Wayne, Rep. Small of Bath
NAYS:	0	
ABSENT:	0	

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Peter E. Geiger of Lewiston, for appointment to the State Board of Education be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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

The Following Communication:

**COMMITTEE ON BANKING & INSURANCE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 4, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Banking and Insurance has had under consideration the nomination of William N. Lund of Falmouth, for reappointment as Administrator of the Bureau of Consumer Credit Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Sen. McCormick of Kennebec, Sen. Carey of Kennebec, Sen. Kieffer of Aroostook
	Rep. 7	Rep. Pineau of Jay, Rep. Erwin of Rumford, Rep. Joseph of Waterville, Rep. Rand of Portland, Rep. Carleton of Wells, Rep. Campbell of Holden, Rep. Jones of Pittsfield
NAYS:	0	
ABSENT:	3	Rep. Tracy of Rome, Rep. Hale of Sanford, Rep. Kutasi of Bridgton

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William N. Lund of Falmouth, for reappointment as the Administrator of the Bureau of Consumer Credit Protection be confirmed.

Signed:

S/Dale McCormick  
Senate Chair

S/Edward L. Pineau  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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

The Following Communication:

The Following Communication:

**COMMITTEE ON EDUCATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**COMMITTEE ON EDUCATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

February 4, 1993

February 4, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of William J. McKee, Jr. of Kingfield, for appointment to the State Board of Education.

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Marjorie M. Medd of Paris, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 3 Sen. O'Dea of Penobscot, Sen. Lawrence of York, Sen. Amero of Cumberland  
Rep. 10 Rep. Mitchell of Vassalboro, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick, Rep. Simonds of Cape Elizabeth, Rep. Cloutier of South Portland, Rep. Pinette of Fort Kent, Rep. Stevens of Orono, Rep. Norton of Winthrop, Rep. Ault of Wayne, Rep. Small of Bath

YEAS: Sen. 3 Sen. O'Dea of Penobscot, Sen. Lawrence of York, Sen. Amero of Cumberland  
Rep. 10 Rep. Mitchell of Vassalboro, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick, Rep. Simonds of Cape Elizabeth, Rep. Cloutier of South Portland, Rep. Pinette of Fort Kent, Rep. Stevens of Orono, Rep. Norton of Winthrop, Rep. Ault of Wayne, Rep. Small of Bath

NAYS: 0

NAYS: 0

ABSENT: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William J. McKee, Jr. of Kingfield, for appointment to the State Board of Education be confirmed.

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marjorie M. Medd of Paris, for appointment to the State Board of Education be confirmed.

Signed:

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

Which was **READ** and **ORDERED PLACED ON FILE**.

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

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

The Following Communication:

SENATE PAPERS

COMMITTEE ON EDUCATION  
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 4, 1993

The Honorable Dennis L. Dutremble  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Carol D. Stewart of Presque Isle, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Sen. 3	Sen. O'Dea of Penobscot, Sen. Lawrence of York, Sen. Amero of Cumberland
	Rep. 10	Rep. Mitchell of Vassalboro, Rep. Oliver of Portland, Rep. Pfeiffer of Brunswick, Rep. Simonds of Cape Elizabeth, Rep. Cloutier of South Portland, Rep. Pinette of Fort Kent, Rep. Stevens of Orono, Rep. Norton of Winthrop, Rep. Ault of Wayne, Rep. Small of Bath
NAYS:	0	
ABSENT:	0	

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Carol D. Stewart of Presque Isle, for appointment to the State Board of Education be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

Which was **READ** and **ORDERED PLACED ON FILE**.

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

Bill "An Act to Allow Retirement Credits for Previous Municipal Employment"  
S.P. 134 L.D. 425

Presented by Senator **MCCORMICK** of Kennebec

Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"  
S.P. 135 L.D. 426

Presented by Senator **PEARSON** of Penobscot

Which were referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Concerning Tax Anticipation Notes for Fiscal Year 1993-94" (Emergency)  
S.P. 128 L.D. 365

Presented by Senator **CAREY** of Kennebec

Which was referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act Regarding Escrow Accounts of Taxes and Insurance by Mortgagees"  
S.P. 122 L.D. 360

Presented by Senator **CLEVELAND** of Androscoggin

Bill "An Act Relating to Workers' Compensation Insurance"  
S.P. 123 L.D. 361

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Senator: **O'DEA** of Penobscot

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Provide for the Registration and Licensing of Motor Vehicle Body Shops"  
S.P. 125 L.D. 362

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Include Snowmobiles under the Franchise Laws"

S.P. 127 L.D. 364

Presented by Senator **FOSTER** of Hancock

Which were referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**.

Sent down for concurrence.

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Bill "An Act Concerning Split Sentences"

S.P. 130 L.D. 421

Presented by Senator **HANDY** of Androscoggin  
Cosponsored by Senator: **LUTHER** of Oxford,  
Representative: **JOSEPH** of Waterville

Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

Sent down for concurrence.

---

Bill "An Act to Require the Bureau of General Services to Purchase School Buses in Lots"

S.P. 126 L.D. 363

Presented by Senator **CAREY** of Kennebec

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

Sent down for concurrence.

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Bill "An Act Concerning Rules of the Department of Environmental Protection"

S.P. 137 L.D. 428

Presented by Senator **BEGLEY** of Lincoln

Which was referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

Sent down for concurrence.

---

Bill "An Act to Provide for the 1993 and 1994 Allocations of the State Ceiling on Private Activity Bonds" (Emergency)

S.P. 138 L.D. 429

Presented by Senator **FOSTER** of Hancock  
Cosponsored by Senator: **HARRIMAN** of Cumberland,  
Representatives: **GWADOSKY** of Fairfield, **MELENDY** of Rockland

Which was referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Sent down for concurrence.

---

Bill "An Act to Create an Emergency Services System for Persons with Mental Illness in Kennebec County"

S.P. 131 L.D. 422

Presented by Senator **BUSTIN** of Kennebec  
Cosponsored by Senator: **PARADIS** of Aroostook,  
Representatives: **MORRISON** of Bangor, **PARADIS** of Augusta, **TREAT** of Gardiner

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

Sent down for concurrence.

---

Bill "An Act to Enact a New Article on Negotiable Instruments in and to Make Necessary Conforming Amendments to the Uniform Commercial Code"

S.P. 129 L.D. 381

Presented by Senator **CONLEY** of Cumberland  
Cosponsored by Senator: **HANLEY** of Oxford

Bill "An Act to Encourage Good Samaritan Drug and Medical Supply Donations"

S.P. 139 L.D. 430

Presented by Senator **SUMMERS** of Cumberland  
Cosponsored by Senators: **CARPENTER** of York, **CONLEY** of Cumberland, **DUTREMBLE** of York, **GOULD** of Waldo, **HALL** of Piscataquis,  
Representatives: **JACQUES** of Waterville, **NADEAU** of Saco, **PENDLETON** of Scarborough

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

---

Bill "An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine"

S.P. 120 L.D. 358

Presented by Senator **CAHILL** of Sagadahoc  
Cosponsored by Senator: **BEGLEY** of Lincoln

Bill "An Act to Allow Young People to Accompany Their Parents When Voting"

S.P. 136 L.D. 427



Presented by Senator **AMERO** of Cumberland  
Cosponsored by Representative AULT of Wayne and  
Senators: **BERUBE** of Androscoggin, **BUTLAND** of  
Cumberland, **CAHILL** of Sagadahoc, **CAREY** of  
Kennebec, **CARPENTER** of York, **GOULD** of Waldo,  
Representatives: **CAMPBELL** of Holden, **CLOUTIER** of  
South Portland, **DAGGETT** of Augusta, **DIPIETRO** of  
South Portland, **KILKELLY** of Wiscasset, **KONTOS** of  
Windham, **LARRIVEE** of Gorham, **PFEIFFER** of  
Brunswick, **SIMONDS** of Cape Elizabeth, **SULLIVAN** of  
Bangor  
Submitted by the Department of the Secretary of  
State pursuant to Joint Rule 24.

Sent down for concurrence.

Which were referred to the Committee on **LEGAL  
AFFAIRS** and **ORDERED PRINTED**.

Sent down for concurrence.

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Bill "An Act to Amend the Laws Governing Use of  
Handicap Placards in Motor Vehicles"  
S.P. 121 L.D. 359

Presented by Senator **CAHILL** of Sagadahoc  
Cosponsored by Senators: **AMERO** of Cumberland,  
**CARPENTER** of York, **GOULD** of Waldo, **HARRIMAN**  
of Cumberland, Representative: **STEVENS** of Sabattus

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

Sent down for concurrence.

---

Bill "An Act to Establish Scallop Drag Sizes for  
Waters within the 3-mile Limit"  
S.P. 133 L.D. 424

Presented by Senator **VOSE** of Washington  
Cosponsored by Representatives: **FARREN** of  
Cherryfield, **LOOK** of Jonesboro, **TOWNSEND** of  
Eastport

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

Sent down for concurrence.

---

Bill "An Act to Exempt Employees of the Public  
Utilities Commission from Furlough and Shutdown Days"  
(Emergency)  
S.P. 119 L.D. 357

Presented by Senator **CLEVELAND** of Androscoggin

Bill "An Act to Establish a Part of the Boundary  
Between Enfield and Lowell"  
S.P. 132 L.D. 423

Presented by Senator **PEARSON** of Penobscot  
Cosponsored by Representative: **HICHBORN** of Howland

Bill "An Act to Amend the Charter of the Northern  
Maine Regional Planning Commission"  
S.P. 140 L.D. 431

Presented by Senator **KIEFFER** of Aroostook  
Cosponsored by Representative **MARTIN** of Eagle  
Lake and  
Senator: **LUDWIG** of Aroostook, Representatives:  
**AHEARNE** of Madawaska, **ANDERSON** of Woodland,  
**CLUKEY** of Houlton, **DONNELLY** of Presque Isle, **JOY**  
of Island Falls, **KNEELAND** of Easton, **ROBICHAUD** of  
Caribou

Which were referred to the Committee on **STATE &  
LOCAL GOVERNMENT** and **ORDERED PRINTED**.

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**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **UTILITIES** on Bill "An Act to  
Increase the Debt Limit of the South Berwick Sewer  
District" (Emergency)  
H.P. 8 L.D. 15

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

Comes from the House with the Report **READ** and  
**ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of  
which the Senate was engaged at the time of  
Adjournment, have preference in the Orders of the Day  
and continue with such preference until disposed of  
as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and  
Specially Assigned (2/4/93) matter:

Bill "An Act to Protect Animal Enterprises"  
H.P. 163 L.D. 215

Tabled - February 2, 1993, by Senator **HANLEY** of Oxford.

Pending - **REFERENCE**

(Committee on **LEGAL AFFAIRS** suggested and **ORDERED PRINTED**.)

(In House, January 28, 1993, **REFERRED** to the Committee on **AGRICULTURE**.)

Which was **REFERRED** to the Committee on **AGRICULTURE** and **ORDERED PRINTED**, in concurrence.

The Chair laid before the Senate the Tabled and Specially Assigned (2/4/93) matter:

Bill "An Act to Prevent Intoxication-related Injuries, Deaths and Damages" H.P. 182 L.D. 234

Tabled - February 4, 1993, by Senator **ESTY** of Cumberland.

PENDING - **REFERENCE**

(In House, February 2, 1993, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.)

Which was **REFERRED** to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

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

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

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**

**House Papers**

Bill "An Act to Define Farmers' Market" H.P. 265 L.D. 343

Bill "An Act to Improve Milk Quality" H.P. 291 L.D. 378

Bill "An Act to Permit Animal Shelters to Administer Rabies Vaccine" H.P. 326 L.D. 414

Bill "An Act to More Fully Regulate the Sale of Pets" H.P. 331 L.D. 419

Bill "An Act to Require Licensing of Cats" H.P. 332 L.D. 420

Come from the House referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**.

Which were referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Improve the Level of Services Provided by the Bureau of General Services on Capital Improvement Projects" H.P. 279 L.D. 366

Comes from the House referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Resolution, Proposing an Amendment to the Constitution of Maine to Protect Revenue in Other Special Revenue Funds

H.P. 319 L.D. 407

Committee on **STATE & LOCAL GOVERNMENT** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS**.

Which was referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

---

Bill "An Act Relating to Interspousal Immunity"  
H.P. 258 L.D. 336

Bill "An Act Concerning Insurance Rate Increase Requests"  
H.P. 266 L.D. 344

Bill "An Act Clarifying the Laws Limiting Insurance Charged to Credit Cards"  
H.P. 267 L.D. 345

Bill "An Act Regarding the Workers' Compensation Residual Market Mechanism"  
H.P. 288 L.D. 375

Bill "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism" (Emergency)  
H.P. 292 L.D. 379

Bill "An Act to Amend the Laws Relating to Financial Institution Service Corporations"  
H.P. 301 L.D. 389

Bill "An Act to Improve Compliance with the Laws Governing Financial Responsibility"  
H.P. 312 L.D. 400

Come from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

Which were referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, in concurrence.

---

Bill "An Act to Allow Prisoners to Make Local Phone Calls at No Charge"  
H.P. 300 L.D. 388

Comes from the House referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**.

Which was referred to the Joint Select Committee on **CORRECTIONS** and **ORDERED PRINTED**, in concurrence.

---

Bill "An Act to Provide for Middle School Teacher Certification"  
H.P. 315 L.D. 403

Bill "An Act Concerning Teacher Certification"  
H.P. 316 L.D. 404

Come from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

---

Bill "An Act to Define Composting Operations as Agricultural Activities for Environmental Purposes"  
H.P. 270 L.D. 348

Bill "An Act to Establish the Advisory Council on Energy and the Environment"  
H.P. 278 L.D. 356

Bill "An Act to Require Greater Accountability on the Part of the Department of Environmental Protection"  
H.P. 281 L.D. 368

Bill "An Act to Amend the Composition of the Maine Land Use Regulation Commission"  
H.P. 282 L.D. 369

Bill "An Act Regarding Noncomplying House and Camp Lots"  
H.P. 296 L.D. 384

Bill "An Act to Change the Definition of Beverage Container for the Purposes of Recycling"  
H.P. 306 L.D. 394

Bill "An Act to Grandfather Property under Certain Environmental Laws"  
H.P. 307 L.D. 395

Bill "An Act to Promote Uniformity of Pricing among Municipalities Serviced by Privately Owned Waste-to-energy Facilities"  
H.P. 323 L.D. 411

Bill "An Act to Extend the Deadline for Landfill Closures" (Emergency)  
H.P. 325 L.D. 413

Come from the House referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Give Preference to Landowners in the Drawing of "Any Deer" Permits"  
H.P. 271 L.D. 349

Bill "An Act to Make the Minimum Age for a Muzzle-loading License the Same as the Minimum Age for a Hunting License"  
H.P. 294 L.D. 382

Bill "An Act to Protect the Smelt Population in Jordan Pond"  
H.P. 298 L.D. 386

Bill "An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose"  
H.P. 317 L.D. 405

Bill "An Act Concerning Registration Stations"  
H.P. 327 L.D. 415

Come from the House referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

Which were referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Ensure Equitable Treatment of Manufactured Home Owners"  
H.P. 309 L.D. 397

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

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

Bill "An Act to Require the Department of Human Services to Provide Hepatitis Vaccines for Volunteer Firefighters"  
H.P. 260 L.D. 338

Bill "An Act to Ensure Equal Medicaid Coverage for Hearing Aids to Boarding Home Residents"  
H.P. 264 L.D. 342

Bill "An Act to Enable Parents of Children with Mental Illness to Care for Their Children at Home"  
H.P. 268 L.D. 346

Bill "An Act to Protect the Health of Anglers"  
H.P. 276 L.D. 354

Bill "An Act to Assist Policy Makers in Establishing Health Care Policy"  
H.P. 287 L.D. 374

Bill "An Act Regarding Smoking in Restaurants"  
H.P. 324 L.D. 412

Bill "An Act to Promote Maximum Independence of Older People"  
H.P. 330 L.D. 418

Come from the House referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Which were referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Require Restitution Rather Than Incarceration for Certain Crimes"  
H.P. 277 L.D. 355

Bill "An Act to Amend the Laws Governing Visitation Rights"  
H.P. 293 L.D. 380

Bill "An Act Concerning the Determination and Modification of Alimony Payments"  
H.P. 311 L.D. 399

Bill "An Act to Make Stalking a Crime in Maine"  
H.P. 328 L.D. 416

Come from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Which were referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Related to the Restoration of Drivers' Licenses"  
H.P. 305 L.D. 393

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

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **REFERENCE**.

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Bill "An Act to Require That Compensable Workers' Compensation Injuries Be the Result of an Accident"  
H.P. 262 L.D. 340

Bill "An Act to Create Equality under the Workers' Compensation Laws for Volunteer Law Enforcement Officers"  
H.P. 272 L.D. 350

Bill "An Act Regarding Family Leave"  
H.P. 318 L.D. 406

Come from the House referred to the Committee on **LABOR** and **ORDERED PRINTED**.

Which were referred to the Committee on **LABOR** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents"  
H.P. 259 L.D. 337

Bill "An Act to Ensure Accountability in the Election Process"  
H.P. 261 L.D. 339

Bill "An Act Related to Common Nuisances"  
H.P. 273 L.D. 351

Bill "An Act to Increase Unenrolled Voter Participation in Primary Elections"  
H.P. 280 L.D. 367

Bill "An Act to Allow Rebate Coupons in Agency Liquor Stores"  
H.P. 304 L.D. 392

Bill "An Act to Limit the Size of Agency Liquor Stores"  
H.P. 310 L.D. 398

Come from the House referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Which were referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Amend the Lobster Dealer License Fee"  
H.P. 274 L.D. 352

Comes from the House referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**.

Which was referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Repeal the Statutory Provisions Formerly Governing Unfunded State Mandates"  
H.P. 303 L.D. 391

Resolve, To Authorize the Director of the Bureau of General Services to Transfer in the Name of the State a Certain State Built Water Pipeline in the Town of Boothbay Harbor  
H.P. 308 L.D. 396

Resolve, to Increase Efficiency and Reduce Costs for State Agencies  
H.P. 321 L.D. 409

Bill "An Act to Clarify the Maine Administrative Procedure Act"  
H.P. 329 L.D. 417

Come from the House referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**.

Which were referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Fund the Investment Tax Credit for Solid Waste Reduction"  
H.P. 269 L.D. 347

Bill "An Act to Clarify the Laws Relating to Property Tax Abatements"  
H.P. 283 L.D. 370

Bill "An Act to Amend the Eligibility Requirements for the Maine Residents Property Tax Program"  
H.P. 302 L.D. 390

Bill "An Act to Amend the Percentage of Certain Taxes That are Paid by Banks" H.P. 314 L.D. 402

Bill "An Act Concerning the Payment of Assessed Property Taxes" (Emergency) H.P. 322 L.D. 410

Come from the House referred to the Committee on **TAXATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TAXATION** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Amend the Lobster Promotion Fund" H.P. 253 L.D. 332

Committee on **MARINE RESOURCES** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **TAXATION**.

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

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Bill "An Act to Create Economic Development Incentives" H.P. 257 L.D. 335

Committee on **HOUSING & ECONOMIC DEVELOPMENT** suggested and **ORDERED PRINTED**.

Come from the House referred to the Committee on **TAXATION**.

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

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Resolve, to Privatize Road Maintenance H.P. 285 L.D. 372

Bill "An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction" H.P. 286 L.D. 373

Bill "An Act Concerning the Transfer of Motor Vehicle Registration Plates" H.P. 290 L.D. 377

Bill "An Act to Establish Signs for Points of Historic Interest" H.P. 295 L.D. 383

Bill "An Act to Require Commercial Trucks to Operate with Care in Adverse Weather Conditions" H.P. 297 L.D. 385

Bill "An Act Concerning Parking Space Availability for the State's Elderly" H.P. 313 L.D. 401

Bill "An Act to Amend the Law Pertaining to Abandoned Vehicles" H.P. 320 L.D. 408

Come from the House referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**.

Which were referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, in concurrence.

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Bill "An Act to Encourage Conservation and Load Management by Electric Utilities" H.P. 263 L.D. 341

Bill "An Act to Amend the Charter of the North Berwick Water District" (Emergency) H.P. 275 L.D. 353

Bill "An Act to Amend the Laws Governing the Conversion of Fuel Systems" H.P. 284 L.D. 371

Bill "An Act to Ensure Economic Benefits from Purchases by Generators of Nuclear Power" H.P. 289 L.D. 376

Bill "An Act to Require Accountability for Bulk-billed Telephone Services" H.P. 299 L.D. 387

Come from the House referred to the Committee on **UTILITIES** and **ORDERED PRINTED**.

Which were referred to the Committee on **UTILITIES** and **ORDERED PRINTED**, in concurrence.

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass**

Senator **BRANNIGAN** for the Committee on **TRANSPORTATION** on Bill "An Act to Legalize Blue-dot Taillights"

S.P. 18 L.D. 8

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

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

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers"

S.P. 58 L.D. 79

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

Signed:

Senators:

**BERUBE** of Androscoggin  
**BUTLAND** of Cumberland

Representatives:

**JOSEPH** of Waterville  
**KILKELLY** of Wiscasset  
**GRAY** of Sedgwick  
**DUTREMBLE** of Biddeford  
**AHEARNE** of Madawaska  
**ROWE** of Portland  
**WALKER** of Blue Hill  
**LOOK** of Jonesboro

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

Signed:

Representatives:

**BENNETT** of Norway  
**YOUNG** of Limestone

Which Reports were **READ**.

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

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Prior to accepting the report I would ask if someone would be willing to table this. The sponsor of the

legislation just got into the Chamber, he's been at another Committee and I think in deference to the Senator from Oxford, Senator Hanley, it would be nice if we could table this until later in today's session. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

**COMMUNICATIONS**

The Following Communication: S.P. 145

**116TH MAINE LEGISLATURE**

February 9, 1993

Senator Gerard P. Conley, Jr.  
Rep. Constance D. Cote  
Chairpersons  
Joint Standing Committee on Judiciary  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Peter Murray of Portland for appointment as a Justice of the Maine Superior Court.

Pursuant to the Constitution, Article V, Part 1, Section 8, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Dennis L. Dutremble  
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.

Senate at Ease

Senate called to order by the President.

Off Record Remarks

The Secretary has so informed the Speaker of the House.

**ORDERS OF THE DAY**

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

**NOMINATION** - of Peter E. Geiger of Lewiston for appointment to the State Board of Education.

Tabled - February 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, February 9, 1993, Communication from the Committee on **EDUCATION READ** and **ORDERED PLACED ON FILE.**)

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Peter E. Geiger of Lewiston be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS:** Senators None

**NAYS:** Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

**ABSENT:** Senators CIANCHETTE, CLEVELAND

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Peter E. Geiger, was **CONFIRMED.**

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

**NOMINATION** - of William N. Lund of Falmouth for reappointment as Administrator of the Bureau of Consumer Credit Protection.

Tabled - February 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, February 9, 1993, Communication from the Committee on **BANKING AND INSURANCE READ** and **ORDERED PLACED ON FILE.**)

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to take a moment and describe to you the incredible hearing we had on this man's nomination. There was an outpouring of support, the likes of which our Committee had not seen, from Legislators, from bankers and lawyers who he deals with and soothes and regulates from non-profits. He was presented as a fair regulator who has a good balance between consumers and community interests, one who has instituted TQM in his bureau, appointed women to management positions, streamlined consumer complaints and, of particular interest, dealt with the affordable housing crisis by waiving for non-profit lenders lender license fees, net worth standards and bonding requirements. I think we all ended up wishing that everyone in State Government could be like this man and I urge you to support his nomination. Thank you.

**THE PRESIDENT:** The Joint Standing Committee on Banking and Insurance has recommended the nomination of William N. Lund of Falmouth be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Banking and Insurance be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.



**ROLL CALL**

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CIANCHETTE, CLEVELAND

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of William N. Lund, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

**NOMINATION** - of William J. McKee, Jr. of Kingfield for appointment to the State Board of Education.

Tabled - February 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, February 9, 1993, Communication from the Committee on **EDUCATION READ** and **ORDERED PLACED ON FILE.**)

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of William J. McKee, Jr. of Kingfield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senator HANDY

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CONLEY, ESTY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CIANCHETTE, CLEVELAND

1 Senator having voted in the affirmative and 32 Senators having voted in the negative, with 2 Senators being absent, and 1 being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of William J. McKee, Jr., was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

**NOMINATION** - of Marjorie M. Medd of Paris for reappointment to the State Board of Education.

Tabled - February 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, February 9, 1993, Communication from the Committee on **EDUCATION READ** and **ORDERED PLACED ON FILE.**)

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Marjorie M. Medd of Paris be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CIANCHETTE, CLEVELAND

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Marjorie M. Medd, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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Off Record Remarks

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

NOMINATION - of Carol D. Stewart of Presque Isle for appointment to the State Board of Education.

Tabled - February 9, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, February 9, 1993, Communication from the Committee on **EDUCATION READ** and **ORDERED PLACED ON FILE**.)

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Carol D. Stewart of Presque Isle be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators CIANCHETTE, CLEVELAND

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Carol D. Stewart, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers"

S.P. 58 L.D. 79

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

Tabled - February 9, 1993 by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, February 9, 1993, Reports **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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Off Record Remarks

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

After Recess

Senate called to order by the President.

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Off Record Remarks

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Senator **CAHILL** of Sagadahoc was granted  
unanimous consent to address the Senate off the  
Record.

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On motion by Senator **SUMMERS** of Cumberland,  
**ADJOURNED** until Wednesday, February 10, 1993, at  
5:00 in the afternoon.