

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 23, 1993

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

Prayer by Pastor Gerry Letourneau of the Church of Christ in East Fryeburg .

PASTOR GERRY LETOURNEAU: Let us pray. Our heavenly Father I pray that you will give this body the wisdom to make decisions that are in the best interest of the State of Maine and its people. I pray that you will especially be with Senate President Dutremble and my own State Senator, Dana Hanley. I pray Lord that you will help them in making difficult decisions and I pray that there might be a spirit of cooperation. I pray Lord that each member will be able to disagree without being disagreeable and I pray especially that there will be cooperation. I pray in Jesus' name. Amen.

Reading of the Journal of Thursday, February 18, 1993.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Repeal the Laws Allowing Legislators to Participate in the Maine Legislative Retirement System and to Receive State Employee Benefits"

S.P. 186 L.D. 622

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by Representatives: **GREENLAW** of Standish, **PENDEXTER** of Scarborough

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

Sent down for concurrence.

Bill "An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties"

S.P. 175 L.D. 589

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senator: **PARADIS** of Aroostook,
Representative: **WHITCOMB** of Waldo
Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.

Bill "An Act to Extend the Repeal Date of the Laws Governing Biosynthetic Bovine Somatotropin" (Emergency)

S.P. 198 L.D. 634

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representative **HEESCHEN** of Wilton and Senators: **MARDEN** of Kennebec, **PEARSON** of Penobscot, **WEBSTER** of Franklin,
Representatives: **AULT** of Wayne, **CHASE** of China, **KILKELLY** of Wiscasset, **SPEAR** of Nobleboro

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

Sent down for concurrence.

Bill "An Act Related to Mortgage Companies"

S.P. 177 L.D. 591

Presented by Senator **BRANNIGAN** of Cumberland
Cosponsored by Representative: **CARLETON** of Wells
Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Bill "An Act to Amend the Laws Regarding the Purchase of Insurance"

S.P. 189 L.D. 625

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Representatives: **CARLETON** of Wells, **JOSEPH** of Waterville

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

Sent down for concurrence.

Bill "An Act to Amend Maine's Unclaimed Property Act"

S.P. 185 L.D. 621

Presented by Senator **BALDACCI** of Penobscot

Bill "An Act to Amend the Mechanic Lien Laws"

S.P. 197 L.D. 633

Presented by Senator **CONLEY** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Clarify the Appointment, Powers and Duties of Building Committees"

S.P. 178 L.D. 592

Presented by Senator **HANDY** of Androscoggin
Cosponsored by Senator **AMERO** of Cumberland and
Representatives: O'GARA of Westbrook, PFEIFFER of Brunswick

Bill "An Act Related to Parenting Education"

S.P. 179 L.D. 593

Presented by Senator **HANDY** of Androscoggin
Cosponsored by Senator: **PARADIS** of Aroostook,
Representatives: CATHCART of Orono, FARNSWORTH of
Hallowell, GWADOSKY of Fairfield, HOLT of Bath,
JOSEPH of Waterville, PFEIFFER of Brunswick,
PINEAU of Jay

Bill "An Act to Allow for the Expenditure of
Certain School Construction Funds Elsewhere in the
District"

S.P. 192 L.D. 628

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senator: **PARADIS** of Aroostook,
Representatives: HOGLUND of Portland, MORRISON of
Bangor, PINEAU of Jay, POULIOT of Lewiston

Bill "An Act to Make Corrections to the Salary
Reductions Authorized in Public Law 1991, Chapter
780, Part III" (Emergency)

S.P. 203 L.D. 639

Presented by Senator **O'DEA** of Penobscot
Cosponsored by Senators: **AMERO** of Cumberland,
PEARSON of Penobscot, Representatives: MITCHELL
of Vassalboro, STEVENS of Orono

Bill "An Act to Provide Funding for School Bus
Purchases"

S.P. 204 L.D. 640

Presented by Senator **CLEVELAND** of Androscoggin
Cosponsored by Senator: **PINGREE** of Knox,
Representative: AIKMAN of Poland

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

Sent down for concurrence.

Bill "An Act to Prevent Mortgage Foreclosures"

S.P. 193 L.D. 629

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Representative: OLIVER of Portland

Resolve, to Direct the Bureau of Taxation to
Establish Economic Impact Criteria for the State
Procurement Process

S.P. 201 L.D. 637

Presented by Senator **HANLEY** of Oxford (By
Request)
Cosponsored by Senators: **HALL** of Piscataquis,
HARRIMAN of Cumberland, **SUMMERS** of
Cumberland, Representatives: LEMONT of Kittery,
QUINT of Paris

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

Sent down for concurrence.

Bill "An Act Regarding Licensing Regulations for
Boarding Care Facilities" (Emergency)

S.P. 181 L.D. 595

Presented by Senator **CONLEY** of Cumberland

Bill "An Act to Clarify What Constitutes an
Emergency Regarding Disconnection of Utility Service
for the Emergency Assistance Program"

S.P. 184 L.D. 620

Presented by Senator **CARPENTER** of York
Cosponsored by Representative: CLARK of
Millinocket
Submitted by the Public Utilities Commission
pursuant to Joint Rule 24.

Bill "An Act to Amend the Long-term Care
Ombudsman Program"

S.P. 190 L.D. 626

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senators: **MCCORMICK** of Kennebec,
PARADIS of Aroostook, **TITCOMB** of Cumberland,
Representatives: GWADOSKY of Fairfield, HOLT of
Bath, MELENDY of Rockland, PARADIS of Augusta

Bill "An Act to Amend the Adult Protective
Services Act"

S.P. 191 L.D. 627

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Senators: **PARADIS** of Aroostook,
TITCOMB of Cumberland, Representatives:
GWADOSKY of Fairfield, HOLT of Bath, MELENDY of
Rockland, PARADIS of Augusta, TREAT of Gardiner

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

Sent down for concurrence.

Bill "An Act Establishing an Indigent Defense Reimbursement Fund"

S.P. 174 L.D. 588

Presented by Senator **CONLEY** of Cumberland
Submitted by the Judicial Department pursuant to Joint Rule 24.

Bill "An Act to Amend the Statutory Provisions Governing the Time and Method of Paying Restitution"

S.P. 176 L.D. 590

Presented by Senator **HANLEY** of Oxford
Cosponsored by Representative: OTT of York
Submitted by the Department of Corrections pursuant to Joint Rule 24.

Bill "An Act Relating to the Evaluation of Juveniles Prior to Court Placement Out of Their Homes"

S.P. 187 L.D. 623

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative LARRIVEE of Gorham and Representatives: HOLT of Bath, OLIVER of Portland

Bill "An Act to Protect the Identity of Minor Witnesses in Criminal Trials"

S.P. 196 L.D. 632

Presented by Senator **BUSTIN** of Kennebec

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

Sent down for concurrence.

Bill "An Act to Limit Contributions Candidates May Receive from Political Action Committees"

S.P. 180 L.D. 594

Presented by Senator **HANDY** of Androscoggin

Bill "An Act to Amend the Liquor Laws"

S.P. 194 L.D. 630

Presented by Senator **CAREY** of Kennebec
Cosponsored by Senator: **SUMMERS** of Cumberland, Representatives: CLARK of Millinocket, MICHAUD of East Millinocket
Submitted by the Department of Public Safety pursuant to Joint Rule 24.

Bill "An Act to Allow Certain Minors on the Premises of Class A Lounges"

S.P. 199 L.D. 635

Presented by Senator **CONLEY** of Cumberland

Bill "An Act to Prohibit the Charging of Rents in Advance"

S.P. 200 L.D. 636

Presented by Senator **O'DEA** of Penobscot
Cosponsored by Representative: STEVENS of Orono

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

Sent down for concurrence.

Bill "An Act to Limit Conflicts of Interest and Ensure Objective and Qualified State Consultants"

S.P. 188 L.D. 624

Presented by Senator **CARPENTER** of York
Cosponsored by Senators: **HALL** of Piscataquis, **KIEFFER** of Aroostook, **SUMMERS** of Cumberland, **VOSE** of Washington, Representative: DONNELLY of Presque Isle

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

Sent down for concurrence.

Bill "An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code" (Emergency)

S.P. 173 L.D. 587

Presented by Senator **SUMMERS** of Cumberland
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.

Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency)

S.P. 182 L.D. 596

Presented by Senator **SUMMERS** of Cumberland
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 183 L.D. 597

Presented by Senator **SUMMERS** of Cumberland
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (Emergency)

S.P. 195 L.D. 631

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senators: **PARADIS** of Aroostook,
VOSE of Washington, Representatives: **CLARK** of
Millinocket, **HOGLUND** of Portland, **MORRISON** of
Bangor

Bill "An Act to Modify Public Utilities
Commission Practice and Rules of Evidence"
S.P. 202 L.D. 638

Presented by Senator **VOSE** of Washington
Cosponsored by Representative: **CLARK** of
Millinocket
Submitted by the Public Utilities Commission
pursuant to Joint Rule 24.

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **LEGAL AFFAIRS** on Bill "An Act
to Amend the Lounge License Provisions"
H.P. 19 L.D. 21

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**.

On motion by Senator **SUMMERS** of Cumberland,
Tabled until Later in Today's Session, pending
ACCEPTANCE of **COMMITTEE REPORT**, in concurrence.

Ought to Pass As Amended

The Committee on **BUSINESS LEGISLATION** on Bill
"An Act Concerning Installation of Propane Gas Water
Heaters"
H.P. 38 L.D. 46

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-22)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-22) AS AMENDED
BY HOUSE AMENDMENT "A" (H-24) thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-22) **READ**.

House Amendment "A" (H-24) to Committee Amendment
"A" (H-22) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-22) as Amended by
House Amendment "A" (H-24) thereto, **ADOPTED**, in
concurrence.

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

Senate

Ought to Pass As Amended

Senator **O'DEA** for the Committee on **EDUCATION**
on Bill "An Act to Authorize the New England School
of Broadcasting to Award the Degree of Associate of
Science in Broadcasting"

S.P. 70 L.D. 132

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (S-26)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-26) **READ** and
ADOPTED.

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

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 (2/9/93) 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**.)

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise this morning to urge you to vote against the current motion, Ought Not to Pass, so that you can go on to accept this bill and lead for the State of Maine. The members of the first Congress were amateurs in government, they were part time legislators. By all accounts these amateurs and part time law makers did rather well. They did well because democratic government is, by nature, government by amateurs. Democracy is threatened nowadays by an enormous expansion of bureaucracy, the members of which are largely professionals. Some members in this legislature feel that today's government is overburdening due to the complicated issues facing us. My response is that complexity is purely relative. I'm sure that our predecessors in the legislature dealt with the issues that they faced in the fifties, the sixties, and the seventies were equally difficult to the ones that we face today. I would suggest that we can cut the time required by legislators by adhering to Montesquieu's theory of the separation of powers. Instead of attempting to micromanage executive and judicial branches of our government I would recommend we return to our original province of sending policy and fashioning a long term vision for our state. In any occupation the urge to justify its existence results in an inflated sense of importance. As our legislature becomes more full time oriented it creates new programs, expands old ones, and manufactures solutions to problems which sometimes do not even exist. The tendency to justify a full time legislature results in expansion of government into areas that would stretch the imagination of many of the framers of our original state constitution. It reminds me of Parkinson's theory, Parkinson's theory states that all work expands to fill the time allowed. The L.D. in front of you this morning, L.D. 79, addresses that because what we have is a tendency toward a full time legislature which greatly diminishes the expertise that citizens legislators can bring to the State House. No full time politician can match the range of experience and knowledge in the various trades and professions from which citizen legislators more traditionally come. The full time legislator, in contrast to those who actually work in the trades and professions has little idea of what impact the myriad of programs being created will have on those they hope to benefit or regulate.

Men and women of the Senate I ask you to draw your attention to the center of the Chamber, in fact to the floor where our State seal is laid in amongst the carpet. Now men and women of the Senate you have taken a look at our State seal before, I'm sure, as you have been at various functions and as you see it on our stationery but have you ever really looked to what is directly beneath the star? Dirigo. Dirigo, an Indian term meaning I, we, Lead. Not that person over there, not the person outside in the hallway,

not the person in the rotunda, we lead. I've passed out for your perusal an editorial that appeared in the Bangor Daily Newspaper, it's not very often that I have received favorable press during my tenure in the legislature and I want to take this time, and I have been working on this issue as far as retaining a citizen's legislature and leading by example, asking for accountability here in the legislature first before we look to the executive branch, before we look to the judicial branch, before we look to the people of the State of Maine. If you would just bear with me I would like to read just a portion of that editorial. "Senator Hanley understands something that still hasn't occurred to Congress. Even the Senators and Representatives pushing for a balanced budget amendment to the constitution, elected officials who would show the way to fiscally responsible government must lead by example. Senator Hanley believes in its campaign to balance state finances the Legislature should look internally first for cost savings. He wants reform. A shorter session, a freeze on the size of non-partisan legislative staff and, get this, he would reduce lawmakers salaries by 20%. Senator Hanley is definitely going with the flow of public opinion which favors smaller, more efficient government and elected officials who are willing to shrink their own expectations for power and financial reward to be a part of it."

The bill in front of you is a very simple bill, it reduces the amount of time that we spend in the legislature. From January until the first part of April, currently in the first session we go from January until the middle of June. Over the course of the years people have said we just cannot operate on that reduced time period. Men and women of the Senate I would draw your attention to the fact that it is February 23. True, committees have been meeting for a few weeks, we just had our first work session in Judiciary last week. Many committees still do not have a full compliment of bills to even begin to undertake public hearings. We have gone a month and a half, nearly two months of our legislative calendar spending our time not efficiently, spending our time in areas of get ready. My proposal would ask that the legislature be more accountable, lead by example, so that when we start the legislative process in the first week of January we have bills in front of us that we are ready to begin hearings on, that we are ready to start doing the people's work from day one. Now there are those of us in this chamber, those of you who have more tenure than I in the legislature, but having three terms of experience behind me I've seen where time is wasted. A lot of time. Now if we are expecting the people throughout this state to, instead of buying a new car, put a new motor in their 1970 Chrysler I think maybe it's time for the Legislature to actually take a look at the State seal, take a look at Dirigo and say you're right, it is about time that the Legislature made some tough, difficult choices. I'm not deluding myself in thinking that it will not be a task for this legislature to accomplish their work in that period but I'm saying we are asking the people of this state to make many sacrifices, to work very long hours to make sure that their budget works out.

There are two reasons why this bill should go through. The first reason is that we as a legislature must lead by example. We cannot look to others first to lead, we cannot ask for sacrifices, contributions, without looking to ourselves first. The second point, and for those of you who have tried to recruit candidates, individuals to run for the

legislature, have more likely than not run into the same concern that has been posed to me, how much time do you spend up there and how much time is productive and how much time is wasted? Speaking from experience I've had a number of good candidates who would run but for the fact that time spent in the Legislature from January until the middle of June precludes them from operating a business, from working as an employee beyond the State House. I'm asking the members of this body to look seriously upon the proposal that is in front of you this morning and make a decision that will make the people throughout our state proud and will also open the State House doors so that more people can run and have the opportunity to serve here in the Chamber. I only ask that you have an open mind this morning when the vote is taken. That you think of all of the ramifications of this legislation and that you vote for what is in the best interest of the people of the State of Maine. Mr. President, when the vote is taken I request the yeas and nays. Thank you.

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

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope you will not vote against the motion which is before you which is Ought Not to Pass because that's the only motion that we should really take on this bill. I would remind the members of this Senate that the vote in the Committee was, I believe, 10 - 2 Ought Not to Pass. We've heard the argument for the bill. One of the arguments was that because Congress when we initially became a country had fewer people and less time they devoted to their work, I would remind the gentleman who spoke, from Oxford, that the issues were less serious in those days and had not the magnitude that the issues that we face in the State of Maine today have, furthermore the number of constituents certainly have not diminished but greatly increased. There are three things that this bill does. It would seek to change the cloture date, no big deal really, there would be no Friday session, it reduces the length of the session but it does not reduce the work load that we are required to do, it does not reduce the number of bills that we are asked to sponsor from our many constituents and other groups, and last but not least it reduces the salary of the first year from \$10,500 to \$8,400 and the second year to \$6,000. I would also remind the members of this Senate that although we are a part time legislature we none the less devote twelve months of the year, 365 days a year, actually even on Sundays and Saturdays to the wishes and the needs of our constituents so whether we are part time for three months or six months, none the less we must be serving the people for twelve months.

One thing that was not mentioned in the remarks by the previous speaker is that if we shorten the session to two months or three months then staff takes over because the work load will not diminish. It will be there and we will need to serve the people who we represent so policy decisions may very well be made by others than elected officials. At least elected officials are accountable totally every two years. One more thing I'd like to say is that no one testified, by the way, for this bill other than the sponsor. The sponsor was the one proponent. Last I would remind you that anything you see in this bill could be implemented by Joint Rule, so there is no

need in fact to clutter up the statutes further. I would ask that you vote for the motion and support the Ought Not to Pass report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hanley.

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One last comment just in partial response to the good Senator from Androscoggin, correct there was only one proponent, myself, but there was only one opponent. The majority floor leader of the other body. That was the only testimony that the Committee heard. It is my belief that if more people had been made aware of the hearing and the implications of this legislation they would have been here. We have to look anew at everything in front of us. This is, as some people have told me, an old chestnut. I've been introducing this since 1988 but if I could just read some public comments that were made by a leader here in the legislature, he stated that "we have before us a tremendous outpouring of ideas from our citizens about how we can remake our government so it reflects the best our state can offer. From Legislators, from educators, from private citizens, and this year from the Governor as well. We need to be prepared to take some chances, ready to challenge some of our most cherished beliefs and prejudices. We can, if we will, be bold in trying new ideas, or even old ideas once rejected because they were considered too daring or unacceptable or because they were 'not the way things were done'. We can, if we will, overcome our desires to insure that everything will turn out precisely as we want." That's the first time and probably the last time that I will quote from the Speaker of the other body, but those words say everything as far as this legislation goes. It is a time to rethink anew and I hope, men and women of the Senate, that you will, with an open mind, think anew this morning. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be brief. I stand for only one reason, I have been hearing over and over how we are just milling around the halls with nothing to do. I want it to go on the Record that there is plenty to do for people who want to do it. I resent the implication that there has not been incredible work, I mean I am totally exhausted and we're in February so I don't know what the problem is here. In terms of the money, I'm subsidized by my husband to be here, we don't have children otherwise I don't think I could be here because I'd have to be working for somebody's college education. I think this is specious, I totally agree with the gentlewoman from Lewiston that we support the Committee Report. Thank you.

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

A vote of Yes will be in favor of **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators AMERO, BEGLEY, CAHILL, CARPENTER, FOSTER, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS

ABSENT: Senators GOULD, LAWRENCE, WEBSTER

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

SENATE ORDER - regarding Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of that Committee.

Tabled - February 2, 1993, by Senator **ESTY** of Cumberland.

PENDING - **PASSAGE**

(In Senate, December 2, 1992, **READ**.)

Which was **PASSED**.

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

SENATE ORDER - regarding all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.

Tabled - February 2, 1993, by Senator **ESTY** of Cumberland.

PENDING - **PASSAGE**

(In Senate, December 2, 1992, **READ**.)

Which was **PASSED**.

On motion by Senator **SUMMERS** of Cumberland, the Senate removed from the Later Today Assigned Table the following:

Bill "An Act to Amend the Lounge License Provisions"

H.P. 19 L.D. 21

Report - Ought to Pass

Tabled - February 23, 1993, by Senator **SUMMERS** of Cumberland.

Pending - **ACCEPTANCE** of **COMMITTEE REPORT**, in concurrence

(In Senate, February 23, 1993, Report **READ**.)

(In House, February 17, 1993, **PASSED TO BE ENGROSSED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of **COMMITTEE REPORT**, in concurrence.

Off Record Remarks

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

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Thursday, February 25, 1993, at 10:00 in the morning.