

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
Thursday
March 4, 1993

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

Prayer by Reverend William Nash of the Damariscotta Baptist Church.

REVEREND WILLIAM NASH: I appreciate the invitation to be here and I appreciate knowing that this is the way that you begin every Session, that's wonderful. Let's pray. God we bow before you, you're our creator. You're the one who has made us and you're the one we can call Heavenly Father and that reminds us how much you care about each one of us and what we are doing here this morning. Oh Lord, we thank you that you are a God of compassion, of understanding, you're the God who knows what the State of Maine faces in these days, what the welfare of its people demands. Lord as we stand in your presence this morning we ask for your wisdom and your guidance. Oh God, we're just mortals that thank you that you promise that as we look to you humbly and openly that you will guide. Guide in discussions, in debates, in conversations, in votes, Lord most of all that your will might be done because your will is perfect and good, and Lord that all the citizens of Maine might be encouraged and blessed and helped in the struggles of living. Lord we look to you with faith, thankfully that you are going to work in our State Legislature and in this Senate. So guide and bless us and use us that your will might be done. In Christ's name, Amen.

Reading of the Journal of Tuesday, March 2, 1993.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **BUSTIN** of Kennebec, the following Joint Order:

S.P. 265

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 9, 1993, at ten o'clock in the morning.

Which was **READ** and **PASSED**.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Allow Consumers to Request a Written Estimate for Car Repairs"
H.P. 564 L.D. 761

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

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

Bill "An Act to Amend the Laws Exempting Aseptic Packaging of Milk Substitutes"
H.P. 544 L.D. 740

Bill "An Act Regarding Automobile Air Emission Standards"
H.P. 561 L.D. 758

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.

Bill "An Act to Increase the Number of Moose Permits"
H.P. 541 L.D. 737

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

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

Bill "An Act to Increase Tenant Representation on Housing Authorities"
H.P. 550 L.D. 746

Bill "An Act to Provide for Affordable Cooperative Housing in the State"
H.P. 553 L.D. 749

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

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

Resolve, to Provide Savings in the Elderly Low-cost Drug Program
H.P. 543 L.D. 739

Bill "An Act to Improve Access to Pharmaceuticals for Rural Health Center Patients"
H.P. 558 L.D. 755

Resolve, Authorizing the Merger of MCD Residential Care, Inc., a Maine For-profit Corporation, with Medical Care Development, Inc., a Nonprofit Corporation
H.P. 562 L.D. 759

Bill "An Act to Improve Child Care Services in the State"
H.P. 565 L.D. 762

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.

Bill "An Act Concerning Financial Contributions Made by a Nonparent Regarding Child Support Obligations"
H.P. 537 L.D. 721

Bill "An Act Excluding Certain Income and Higher Education Savings of Minors from Consideration under the Child Support Guidelines"
H.P. 538 L.D. 722

Bill "An Act to Increase the Penalty for the Writing of Certain Bad Checks"
H.P. 539 L.D. 723

Bill "An Act to Allow Courts to Allocate between Divorced Parents the Costs of Postsecondary Education"
H.P. 555 L.D. 752

Bill "An Act to Clarify the Child and Family Services and Child Protection Act"
H.P. 559 L.D. 756

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 to Protect Private Property"
H.P. 514 L.D. 672

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

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

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

Bill "An Act Related to Third Parties"
H.P. 552 L.D. 748

Bill "An Act to Protect Children from Illegal Tobacco Sales"
H.P. 554 L.D. 750

Bill "An Act Concerning Property Tax Payment by Owners of Mobile Homes"
H.P. 557 L.D. 754

Bill "An Act to Require Additional Landlord Disclosures"
H.P. 563 L.D. 760

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.

Bill "An Act Imposing Term Limits on Legislative Leadership Positions"
H.P. 546 L.D. 742

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Election Procedures for Constitutional Officers
H.P. 547 L.D. 743

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.

Bill "An Act to Change the Residency Requirements for Income Tax Purposes"

H.P. 542 L.D. 738

Bill "An Act to Allow Municipalities to Borrow against Property Tax Deferrals"

H.P. 545 L.D. 741

Bill "An Act to Require Disclosure of Certain Property Status"

H.P. 548 L.D. 744

Bill "An Act to Eliminate the Sales Tax on Snack Foods"

H.P. 560 L.D. 757

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.

Bill "An Act to Authorize the Issuance of Repair Plates to Automobile Repair Garages"

H.P. 549 L.D. 745

Bill "An Act to Amend the Law Regarding Suspension of an Operator's License for Nonpayment of Fines"

H.P. 551 L.D. 747

Bill "An Act to Ensure Complete Motor Vehicle Accident Reports"

H.P. 556 L.D. 753

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.

Bill "An Act to Amend the Mars Hill Utility District" (Emergency)

H.P. 540 L.D. 724

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

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

The Following Communication: S.P. 253

116TH MAINE LEGISLATURE

March 2, 1993

Senator Mark W. Lawrence
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Rodney L. McCormick of Hallowell for appointment and Richard P. Bentzel of Fairfield and Franklin P. Eggert of Verona Island for reappointments to the Sludge & Residuals Utilization Research Foundation.

Pursuant to Title 38, MRSA Section 1382, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

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 **ENERGY AND NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication: S.P. 254

116TH MAINE LEGISLATURE

March 2, 1993

Senator Ida Luther
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gene L. Brown of Durham for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

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 **FISHERIES AND WILDLIFE**.

Sent down for concurrence.

The Following Communication: S.P. 255

116TH MAINE LEGISLATURE

March 2, 1993

Senator Richard J. Carey
Rep. Beverly C. Daggett
Chairpersons
Joint Standing Committee on Legal Affairs
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Mary Anne Smith of Norway for reappointment to the Maine State Liquor Commission.

Pursuant to Title 28A, MRSA Section 61, this nomination will require review by the Joint Standing Committee on Legal Affairs and confirmation by the Senate.

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 **LEGAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 256

116TH MAINE LEGISLATURE

March 2, 1993

Senator Bonnie L. Titcomb
Rep. John Jalbert
Chairpersons
Joint Standing Committee on Aging, Retirement and Veterans
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Grover B. MacLaughlin of Orono for reappointment to the Maine State Retirement Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this nomination will require review by the Joint Standing Committee on Aging, Retirement and Veterans and confirmation by the Senate.

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 **AGING, RETIREMENT AND VETERANS**.

Sent down for concurrence.

The Following Communication:

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

March 2, 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 on March 1, 1993, the appointment of Representative

Mary Cathcart, of Orono, to the Joint Select Committee on Corrections was rescinded and Representative Hugh Morrison, of Bangor, was appointed to that committee.

F. Gorham of Randolph, for reappointment to the Maine Technical College System Board of Trustees be confirmed.

Signed:

Sincerely,
S/Joseph W. Mayo
Clerk of the House

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 The Chair, 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**

March 2, 1993

March 2, 1993

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Legislature
State House
Augusta, Maine 04333

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Legislature
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 Edward F. Gorham of Randolph, for reappointment to the Maine Technical College System Board of Trustees.

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 Roy P. Hibyan of Jonesport, for reappointment to the Maine Technical College System Board of Trustees.

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. 2 Sen. O'Dea of Penobscot,
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. 2 Sen. O'Dea of Penobscot, 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: 1 Sen. Lawrence of York

ABSENT: 1 Sen. Lawrence of York

Twelve 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 Edward

Twelve 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 Roy P.

Hibyan of Jonesport, for reappointment to the Maine Technical College System Board of Trustees 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 EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 2, 1993

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Legislature
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 Robert J. Roy of Yarmouth, for appointment as the Student Member of the Maine Technical College System Board of Trustees.

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 Robert J. Roy of Yarmouth, for appointment as the Student Member of the Maine Technical College System Board of Trustees 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 EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 2, 1993

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Legislature
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 Brian C. Thayer of Manchester, for appointment to the Maine Technical College System Board of Trustees.

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. 2	Sen. O'Dea of Penobscot, 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:	1	Sen. Lawrence of York

Twelve 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 Brian C.

Thayer of Manchester, for appointment to the Maine Technical College System Board of Trustees 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**.

Off Record Remarks

SENATE PAPERS

Bill "An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code" (Emergency)
S.P. 251 L.D. 770

Presented by Senator **BUSTIN** of Kennebec (GOVERNOR'S BILL)
Cosponsored by Senator: **KIEFFER** of Aroostook, Representatives: **CROSS** of Dover-Foxcroft, **LARRIVEE** of Gorham, **PENDEXTER** of Scarborough

Joint Select Committee on **CORRECTIONS** suggested and **ORDERED PRINTED**.

Pursuant to Joint Rule 14, the Chair ordered a Division on the question of whether to suspend the Rules for the purpose of giving the bill its first reading, without reference to a Committee. 31 Senators having voted in the affirmative, and No Senators in the negative, the Rules were suspended and the Bill was **READ ONCE**, without reference to a Committee.

Which was, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

Bill "An Act to Enhance Voters' Rights in Budget Approval of School Districts" (Emergency)
S.P. 252 L.D. 771

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senators: **O'DEA** of Penobscot, **VOSE** of Washington, Representatives: **BRUNO** of Raymond, **KUTASI** of Bridgton, **PLOURDE** of Biddeford

Bill "An Act Regarding the Credentialing of School Psychological Service Providers"
S.P. 262 L.D. 800

Presented by Senator **AMERO** of Cumberland
Cosponsored by Representatives: **AULT** of Wayne, **NORTON** of Winthrop, **OLIVER** of Portland, **SMALL** of Bath
Submitted by the Department of Education pursuant to Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Clarify the Definition of Solid Waste in Local Flow-control Ordinances"
S.P. 247 L.D. 766

Presented by Senator **CLEVELAND** of Androscoggin

Bill "An Act Regarding the Motor Vehicle Emission Inspection Program"
S.P. 258 L.D. 796

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Representatives: **JACQUES** of Waterville, **MARSH** of West Gardiner, **MITCHELL** of Freeport

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

Sent down for concurrence.

Bill "An Act Regarding the Baiting of Animals"
S.P. 260 L.D. 798

Presented by Senator **HALL** of Piscataquis
Cosponsored by Senators: **KIEFFER** of Aroostook, **LUTHER** of Oxford, **O'DEA** of Penobscot, Representatives: **FARREN** of Cherryfield, **JACQUES** of Waterville, **MARSH** of West Gardiner, **NICKERSON** of Turner

Which was referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

Sent down for concurrence.

Bill "An Act to Expand the Definition of Escape"
S.P. 248 L.D. 767

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Representative **LARRIVEE** of Gorham
Submitted by the Department of Corrections pursuant to Joint Rule 24.

Bill "An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse"
S.P. 250 L.D. 769

Presented by Senator **TITCOMB** of Cumberland
Cosponsored by Senator: **CONLEY** of Cumberland,
Representative: **GEAN** of Alfred

Sent down for concurrence.

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

Sent down for concurrence.

Bill "An Act to Improve the Unemployment
Collection Process for Employer Contributions"
S.P. 264 L.D. 802

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Senator: **HANDY** of Androscoggin
Submitted by the Department of Labor pursuant to
Joint Rule 24.

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

Sent down for concurrence.

Bill "An Act to Strengthen the Laws Prohibiting
Driving under the Influence of Alcohol or Drugs"
S.P. 261 L.D. 799

Presented by Senator **WEBSTER** of Franklin

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

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

Bill "An Act to Establish Term Limitations for
Presiding Officers, Leadership and Committee Chairs"
S.P. 249 L.D. 768

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Representative **LIBBY** of Buxton and
Senators: **CLEVELAND** of Androscoggin, **HARRIMAN**
of Cumberland

Bill "An Act to Limit the Terms of the President
of the Senate and the Speaker of the House of
Representatives"
S.P. 257 L.D. 795

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

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

Bill "An Act to Conform the Sales Tax on Meals
and Liquor to the Rate of the General Sales Tax"
S.P. 259 L.D. 797

Presented by Senator **CAHILL** of Sagadahoc

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of the
Lewiston-Auburn Water Pollution Control Authority"
S.P. 263 L.D. 801

Presented by Senator **BERUBE** of Androscoggin
Cosponsored by Senator: **CLEVELAND** of
Androscoggin, Representatives: **DORE** of Auburn,
POULIOT of Lewiston

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

Sent down for concurrence.

Off Record Remarks

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on
Bill "An Act to Amend the Laws Governing the
Publication of Municipal Annual Reports"
H.P. 102 L.D. 144

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**.

Senate

Ought to Pass As Amended

Senator **BUSTIN** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Prohibit the Board of Land Surveyors from Enacting Continuing Education Rules"

S.P. 63 L.D. 125

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-34)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-34) **READ** and **ADOPTED**.

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

Senator **LAWRENCE** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies"

S.P. 76 L.D. 177

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-32)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-32) **READ** and **ADOPTED**.

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

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods"

S.P. 53 L.D. 74

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-35)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-35) **READ** and **ADOPTED**.

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

Senator **CLEVELAND** for the Committee on **UTILITIES** on Bill "An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission"

S.P. 38 L.D. 50

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-36)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-36) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Establish Hours of Education for the Practice of Public Accountancy"

S.P. 52 L.D. 73

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

Signed:

Representatives:

HILLOCK of Gorham
THOMPSON of Lincoln
CLEMENT of Clinton
WINN of Glenburn
HOGLUND of Portland
VIGUE of Winslow
ST. ONGE of Greene
REED of Dexter
CAMERON of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-33)**.

Signed:

Senator:

MARDEN of Kennebec

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of either Report.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Extend the Reporting Date of the Task Force on Mental Health Education and Licensure" (Emergency)

H.P. 241 L.D. 320

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Authorize Financing of Solid Waste Districts on a Per Capita or a State Valuation Basis" (Emergency)

H.P. 9 L.D. 16
(C "A" H-27)

Bill "An Act to Expand the Membership of the National Conference of Commissioners on Uniform State Laws"

H.P. 74 L.D. 104
(C "A" H-26)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Senate As Amended

Bill "An Act to Clarify the Enforcement Authority of the Maine Sardine Council" (Emergency)

S.P. 20 L.D. 10
(C "A" S-31)

Bill "An Act to Clarify Insurance Eligibility" (Emergency)

S.P. 29 L.D. 25
(C "A" S-29)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Promote Job Creation, Retention and Development in Economically Depressed Areas"
H.P. 474 L.D. 611

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

Pending - **REFERENCE**

(In Senate, February 25, 1993, referred to the Committee on **TAXATION**, in concurrence. Subsequently, **RECONSIDERED**.)

(In House, February 23, 1993, referred to the Committee on **TAXATION** and **ORDERED PRINTED**.)

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

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

Bill "An Act to Amend the Lounge License Provisions"
H.P. 19 L.D. 21

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

Pending - **PASSAGE TO BE ENGROSSED**, in concurrence

(In Senate, March 2, 1993, **READ A SECOND TIME**.)

(In House, February 25, 1993, **PASSED TO BE ENGROSSED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, in concurrence.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Prohibiting Political Activity by Members of the Workers' Compensation Board"

S.P. 19 L.D. 9

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-37)**.

ORDERS OF THE DAY

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

JOSEPH of Waterville
GRAY of Sedgwick
KILKELLY of Wiscasset
ROWE of Portland
DUTREMBLE of Biddeford
WALKER of Blue Hill

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

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

AHEARNE of Madawaska
BENNETT of Norway
LOOK of Jonesboro
YOUNG of Limestone

Which Reports were **READ**.

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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 TO PASS AS AMENDED** Report.

Off Record Remarks

Senator **HANDY** of Androscoggin was granted unanimous consent to address the Senate off the Record.

On motion by Senator **HANDY** of Androscoggin, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

NOMINATION - of Edward F. Gorham of Randolph for reappointment to the Maine Technical College System Board of Trustees.

Tabled - March 4, 1993, by the Chair.

Pending - **CONSIDERATION**

(In Senate, March 4, 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 Edward F. Gorham of Randolph 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, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, 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: Senator GOULD

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 Edward F. Gorham, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Roy P. Hibyan, 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 Roy P. Hibyan of Jonesport for reappointment to the Maine Technical College System Board of Trustees.

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

Pending - **CONSIDERATION**

(In Senate, March 4, 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 Roy P. Hibyan of Jonesport 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, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, 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: Senator GOULD

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote

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

NOMINATION - of Robert J. Roy of Yarmouth for appointment to the Maine Technical College System Board of Trustees as Student Member.

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

Pending - **CONSIDERATION**

(In Senate, March 4, 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 Robert J. Roy of Yarmouth 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, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, 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: Senator GOULD

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 Robert J. Roy, 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 Brian C. Thayer of Manchester for appointment to the Maine Technical College System Board of Trustees.

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

Pending - **CONSIDERATION**

(In Senate, March 4, 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 Brian C. Thayer of Manchester 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, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, HALL, HANDY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators GOULD, HANLEY

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 Brian C. Thayer, 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:

Bill "An Act to Strengthen the Laws Prohibiting Driving under the Influence of Alcohol or Drugs" S.P. 261 L.D. 799

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

Pending - **REFERENCE**

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

On motion by Senator **ESTY** of Cumberland, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Sent down for concurrence.

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

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 Prohibiting Political Activity by Members of the Workers' Compensation Board"

S.P. 19 L.D. 9

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-37)**.

Minority - **Ought Not to Pass**

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

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, March 4, 1993, Reports **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Introduce Greater Efficiency in the Provision of Certain State Services" (Emergency)
H.P. 577 L.D. 781

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Construction of Water Pollution Control Facilities"
H.P. 588 L.D. 792

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

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

Bill "An Act Clarifying Identification of Financial Institution Off-premise Facilities"
H.P. 580 L.D. 784

Bill "An Act to Restrict the Referral of Patients by a Physician to Certain Facilities in Which the Physician Has a Financial Interest"
H.P. 585 L.D. 789

Bill "An Act Establishing the Maine Community Reinvestment Program"
H.P. 590 L.D. 794

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Prevent Unauthorized Use of the Name Passamaquoddy"
H.P. 584 L.D. 788

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

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

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (Emergency)
H.P. 572 L.D. 777

Resolve, Directing the Office of Waste Reduction and Recycling to Study the Recycling of Incinerator Ash
H.P. 581 L.D. 785

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.

Bill "An Act to Provide for an Open Season on Most Inland Fisheries in the State"
H.P. 567 L.D. 772

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Allow the Maine State Housing Authority to Grant Home Improvement Loans for Energy Efficiency through Its Home Improvement Loan Program"
H.P. 568 L.D. 773

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 Restructure AIDS Services and Education"

H.P. 570 L.D. 775

Bill "An Act to Eliminate the Prescription Requirement for Hypodermic Syringes"

H.P. 587 L.D. 791

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.

Bill "An Act to Improve Local Control over Liquor Licensing"

H.P. 589 L.D. 793

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Repeal Certain Provisions of the Maine Health Security Act"

H.P. 571 L.D. 776

Bill "An Act to Prevent Procurement of Controlled Substances through Fraud"

H.P. 573 L.D. 778

Bill "An Act Regarding the Writing of Bad Checks"

H.P. 578 L.D. 782

Bill "An Act for the Return of Stolen Property Retained as Evidence"

H.P. 583 L.D. 787

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 to Prohibit the Sale of Menhaden Caught in Penobscot Bay to Foreign Processors in Internal Waters"

H.P. 569 L.D. 774

Come 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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government" (Emergency)

H.P. 574 L.D. 779

Bill "An Act to Change the Composition of the Board of Directors of the Maine Criminal Justice Academy"

H.P. 579 L.D. 783

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.

Bill "An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities"

H.P. 586 L.D. 790

Come 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.

COMMITTEE REPORTS

Senate

Divided Report

Bill "An Act to Authorize Modifications to Tolls on the Maine Turnpike"

H.P. 582 L.D. 786

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.

Bill "An Act to Clarify Certain Statutes Relating to the Public Utilities Commission"

H.P. 575 L.D. 780

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

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

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 Determine Eligibility of Child for Benefits"

S.P. 245 L.D. 764

In Senate, March 2, 1993, referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **JUDICIARY** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

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

The Majority of the Committee on **LABOR** on Bill "An Act to Require Tentative Agreements to be Considered a Part of the Arbitration Panel's Binding Recommendations"

S.P. 116 L.D. 317

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

Signed:

Senator:

BEGLEY of Lincoln

Representatives:

AIKMAN of Poland
LINDAHL of Northport
RUHLIN of Brewer
SULLIVAN of Bangor
CARR of Sanford
LIBBY of Buxton

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

Signed:

Senator:

HANDY of Androscoggin

Representatives:

CHASE of China
CLEMENT of Clinton

Which Reports were **READ**.

Senator **HANDY** of Androscoggin moved that the Senate **ACCEPT** the Minority **UGHT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would definitely ask that the members of the Senate consider the Majority Ought Not to Pass Report. In the discussion in the Committee, the term 'tentative' was found to be extremely difficult to define. Unless that comes to fruition those people who are negotiating will use other terms to either circumvent situations on such negotiations, what happens in that case is you then make adversarial conditions more so than may be already prevalent. Most of the negotiations that have taken place in this type of agreement in the past have been handled very well by the two bodies and what tentative agreements are there sometimes are agreed to by both parties to be taken off and handled so that the agreement and negotiations can be done much more amiably. Binding arbitration in most of these situations creates havoc. Thank you.

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

of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS** Report.

Off Record Remarks

On motion by Senator **CLEVELAND** of Androscoggin, **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:

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Preserve the Public Advocate's Participation in Residual Market Deficit Proceedings at the Bureau of Insurance" (Emergency)
H.P. 50 L.D. 66

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-31)**.

Signed:

Senators:

MCCORMICK of Kennebec
CAREY of Kennebec

Representatives:

PINEAU of Jay
CARLETON of Wells
KUTASI of Bridgton
JOSEPH of Waterville
TRACY of Rome
ERWIN of Rumford
HALE of Sanford
CAMPBELL of Holden
RAND of Portland

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

Signed:

Senator:

KIEFFER of Aroostook

Representative:

JONES Pittsfield

Comes from the House with 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-31)**.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **PINGREE** of Knox, **ADJOURNED** until Tuesday, March 9, 1993, at 10:00 in the morning.