

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
March 16, 1993

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

Prayer by the Honorable Michael D. Pearson of Penobscot.

SENATOR MICHAEL D. PEARSON: I'd like to read a short poem.

The Roman roads run outward from the city on the hills, and Holland's roads take you by gaily painted mills, small pathways of the East will lead to China's ancient wall - but the little roads of Ireland are the loveliest of them all.

In Normandy small roadways through flowering orchards run, the ancient roads of Syria flash under shining sun, and winding beauty lingers where the Rhine and the Danube roll - but the little roads of Ireland entwine around your soul.

From Dublin Bay to Galway, from Cork to Tipperary Town, from Antrim to Killarney, they ramble up and down; and though you are ten thousand miles from where they twist and wind, the little roads of Ireland stay forever in your mind.

God bless Ireland.

Reading of the Journal of Monday, March 15, 1993.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Update and Modify the Appointment Process to the Board of Trustees of the Maine Veterans' Homes"

H.P. 641 L.D. 872

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

Comes from the House referred to the Committee on **AGING, RETIREMENT & VETERANS.**

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

Resolve, to Reduce Positions within State Government

H.P. 668 L.D. 906

Bill "An Act to Facilitate State Payments"
H.P. 669 L.D. 907

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 to Establish Maximum Interest Rates for Automobile Financing"

H.P. 656 L.D. 894

Bill "An Act to Change the Fees Payable to the Bureau of Consumer Credit Protection"

H.P. 662 L.D. 900

Bill "An Act to Reduce the Cost of Residential Care Treatment"

H.P. 677 L.D. 915

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 Amateur Mechanics to Make Certain Repairs to Motor Vehicles"

H.P. 633 L.D. 864

Bill "An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982"

H.P. 674 L.D. 912

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

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

Bill "An Act to Reinstate a System of Parole"
H.P. 663 L.D. 901

Committee on **JUDICIARY** suggested and **ORDERED PRINTED**.

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

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

Bill "An Act to Make Children Legally Responsible for Their Truancy"
H.P. 650 L.D. 888

Bill "An Act Concerning Fine Arts Instructional Requirements"
H.P. 651 L.D. 889

Bill "An Act Concerning Municipalities' Leasing of Portable Classrooms to School Units"
H.P. 657 L.D. 895

Bill "An Act to Amend the School Finance Act of 1985"
H.P. 659 L.D. 897

Bill "An Act to Require State Funding for All Special Education Costs That Exceed Double the State Average Tuition Rates"
H.P. 673 L.D. 911

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 Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste" (Emergency)
H.P. 635 L.D. 866

Bill "An Act to Confirm when Site Location of Development Approval Is Unnecessary" (Emergency)
H.P. 640 L.D. 871

Bill "An Act to Improve Forest Management for Small Owner-managed Woodlots"
H.P. 646 L.D. 877

Bill "An Act to Promote More Effective Input to Environmental Regulation"
H.P. 648 L.D. 879

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.

Resolve, to Establish a Land Swap in Carrabassett Valley
H.P. 632 L.D. 863

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

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

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

Bill "An Act to Grant Disabled Persons Antlerless Deer Permits upon Request"
H.P. 636 L.D. 867

Bill "An Act to Distribute the Number of Moose Hunting Permits Based on the Moose Population"
H.P. 667 L.D. 905

Bill "An Act to Provide Waiting Periods for Special Hunting Permits"
H.P. 675 L.D. 913

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.

Bill "An Act to Establish the Maine Promotion Council Cooperative"
H.P. 642 L.D. 873

Come 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 Direct the Department of Human Services to Apply for a Medicaid Waiver for Home-based Care for Persons with HIV/AIDS"
H.P. 653 L.D. 891

Bill "An Act to Clarify the Role of the Child Abuse and Neglect Councils"
H.P. 664 L.D. 902

Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke"
H.P. 666 L.D. 904

Bill "An Act to Increase the Mileage Payment for Foster Families"
H.P. 671 L.D. 909

Bill "An Act to Assist Low-income Families with Children to Meet Their Winter Energy Costs"
H.P. 676 L.D. 914

(See Action Later Today)

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 Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws"
H.P. 649 L.D. 887

Bill "An Act to Amend the Law Regarding Insurance Fraud"
H.P. 652 L.D. 890

Bill "An Act to Extend Criminal Sanctions to Certain Child Protective Orders"
H.P. 654 L.D. 892

Bill "An Act Concerning Juvenile Offenders"
H.P. 660 L.D. 898

Bill "An Act to Bring the Bureau of State Police, the Department of the Attorney General and the Maine Drug Enforcement Agency into Conformity with the Criminal History Record Information Laws"
H.P. 665 L.D. 903

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 Restrict Helicopter Overflights by the Maine Drug Enforcement Agency"
H.P. 639 L.D. 870

Bill "An Act to Protect Police Officers from Armor-piercing Ammunition"
H.P. 643 L.D. 874

Bill "An Act to Reduce the Influence of Money in Elective Politics"
H.P. 647 L.D. 878

Bill "An Act Implementing Comprehensive Election Reform"
H.P. 678 L.D. 916

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 to Establish the Town Line between Vassalboro and China"
H.P. 634 L.D. 865

Bill "An Act to Limit Terms of State Office Holders"
H.P. 672 L.D. 910

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 Related to the State Valuation of the Town of Limestone" (Emergency)
H.P. 638 L.D. 869

Bill "An Act to Collect State Sales Tax"
H.P. 655 L.D. 893

Bill "An Act to Provide a Tax Exemption for Electronic Ministries"
H.P. 658 L.D. 896

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 Concerning Renewal Registration of Motor Vehicles"

H.P. 637 L.D. 868

Bill "An Act to Change the Wording on Maine State Automobile License Plates"

H.P. 645 L.D. 876

Resolve, to Direct Elected and Appointed Officials of the State to Work to Maintain Canadian Atlantic Railway Service through the State (Emergency)

H.P. 661 L.D. 899

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 Eliminate the Seasonal Legal Researcher Position at the Public Utilities Commission and to Make Certain Other Changes"

H.P. 670 L.D. 908

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.

COMMUNICATIONS

The Following Communication:

**UNIVERSITY OF MAINE
5729 RAYMOND H. FOGLER LIBRARY
ORONO, MAINE 04469-5729**

March 1, 1993

The Honorable Dennis L. Dutremble
President of the Senate
State House Station 3
Augusta, Maine 04333

Dear President Dutremble:

I am pleased to submit the first annual report of the Maine State Cultural Affairs Council as required by Title 27, Section 557 of the Maine Revised Statutes.

Established in February 1991, the Council unites four of the State's cultural agencies: Maine State Museum, Historical Preservation Commission, Arts Commission and State Library. This alliance provides more efficient administrative procedure, encourages cooperation between the cultural agencies, and consolidates support for cultural affairs in Maine.

This report includes the Establishment Period, February-June 1991 and Fiscal Year 1992.

Respectfully submitted,

S/Elaine M. Albright
Acting Chair
Maine State Cultural Affairs Council

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

The Following Communication:

**STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE 04330**

February 25, 1993

The Honorable Dennis L. Dutremble
President of the Senate

The Honorable John L. Martin
Speaker of the House
State House
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

I enclose a document transmitting a recodification of the Constitution of the State of Maine in accordance with section 6, Article X of the Constitution.

I trust that I have discharged my responsibilities satisfactorily, and I stand ready to provide any further assistance that you might require.

Sincerely yours,

S/Daniel E. Wathen

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

The Following Communication:

STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333

March 15, 1993

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

Dear Secretary O'Brien:

Pursuant to my authority under M.R.S.A. 38, Section 343-D, I have appointed Richard Rhames of Biddeford to the Pollution Prevention Advisory Committee, formerly known as the Toxics Reduction Advisory Committee.

Mr. Rhames will be replacing Michelle McCabe, who has resigned as a member of the Committee.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

The Following Communication:

116TH MAINE LEGISLATURE

March 15, 1993

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

Dear Secretary O'Brien:

Pursuant to our authority under Chapter 854 of the Public Laws of 1992 (M RSA 5, Sec. 3307-E), we have appointed Nicholas S. Karvonides of Biddeford to the Task Force on Defense Realignment and the Economy.

Please let us know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

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

The Following Communication:

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

March 15, 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 Judiciary has had under consideration the nomination of S. Kirk Studstrup of Hallowell, for reappointment as a Judge-at-Large of the Maine District Court.

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. Conley of Cumberland,
Sen Hanley of Oxford

Rep. 9 Rep. Cote of Auburn, Rep.
Farnsworth of Hallowell, Rep.
Cathcart Orono, Rep. Ketterer
of Madison, Rep. Caron of
Biddeford, Rep. Faircloth of
Bangor, Rep. Saxl of Bangor,
Rep. Lipman of Augusta, Rep.
Plowman of Hampden

NAYS: 0

ABSENT: 2 Sen. Berube of Androscoggin,
Rep. Ott of York

Eleven 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 S. Kirk Studstrup of Hallowell, for reappointment as a Judge-at-Large of the Maine District Court be confirmed.

Signed:

S/Gerard P. Conley
Senate Chair

S/Constance D. Cote
House Chair

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

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

SENATE PAPERS

Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Emergency)

S.P. 304 L.D. 920

Presented by Senator LAWRENCE of York (GOVERNOR'S BILL) Cosponsored by Representative: ANDERSON of Woodland

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

(See Action Later Today)

COMMITTEE REPORTS

House

Ought to Pass

The Committee on STATE & LOCAL GOVERNMENT on Bill "An Act Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$300,000 for Completion of the Renovation and Expansion of the County Jail Building in Augusta" (Emergency)

H.P. 351 L.D. 454

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.

On motion by Senator ESTY of Cumberland, the Senate RECONSIDERED its action whereby it REFERRED to the Committee on ENERGY & NATURAL RESOURCES:

Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Emergency)

S.P. 304 L.D. 920

(In Senate, March 16, 1993 REFERRED to the Committee on ENERGY & NATURAL RESOURCES and ORDERED PRINTED.)

On further motion by same Senator, referred to the Committee on APPROPRIATIONS & FINANCIAL AFFAIRS and ORDERED PRINTED.

Sent down for concurrence.

On motion by Senator ESTY of Cumberland, the Senate RECONSIDERED its action whereby it REFERRED to the Committee on HUMAN RESOURCES:

Bill "An Act to Assist Low-income Families with Children to Meet Their Winter Energy Costs" H.P. 676 L.D. 914

(In Senate, March 16, 1993 REFERRED to the Committee on HUMAN RESOURCES and ORDERED PRINTED, in concurrence.)

On further motion by same Senator, referred to the Committee on APPROPRIATIONS & FINANCIAL AFFAIRS in NON-CONCURRENCE.

Sent down for concurrence.

Ought to Pass As Amended

The Committee on ENERGY & NATURAL RESOURCES on Bill "An Act to Amend the Laws Safeguarding Production of Ground Water"

H.P. 34 L.D. 37

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-44).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-44).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-44) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on ENERGY & NATURAL RESOURCES on Bill "An Act to Classify the Medomak River" H.P. 70 L.D. 100

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-45).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-45).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-45) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act Regarding Closed Clam Flats" (Emergency)
H.P. 18 L.D. 20

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-41)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41) AS AMENDED BY HOUSE AMENDMENT "A" (H-48)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-41) **READ**.

House Amendment "A" (H-48) to Committee Amendment "A" (H-41) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-41) as Amended by House Amendment "A" (H-48) thereto, **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Continue the Franklin County Budget Committee"

H.P. 244 L.D. 323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-47)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-47)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-47) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the Procedure for Settling Disputes on Construction Contract Claims"
H.P. 361 L.D. 464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-46)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-46)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-46) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers"

H.P. 20 L.D. 22

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-43)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-43) **READ** and **ADOPTED**, in concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act to Revise the Grandfathering Provisions for Acupuncturists"

H.P. 111 L.D. 153
(C "A" H-40)

Bill "An Act to Allow Emergency Interruption of Telephone Service for Law Enforcement Purposes"

H.P. 364 L.D. 467
(C "A" H-42)

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

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
(C "A" H-31)

Which was **READ A SECOND TIME**.

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

Senate As Amended

Bill "An Act to Prohibit Greyhound Racing in Maine"

S.P. 46 L.D. 68
(C "A" S-43)

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

Sent down for concurrence.

ENACTORS

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

An Act Related to Private Facilities in the Public Way

S.P. 71 L.D. 133
(C "A" S-27)

An Act to Amend the Laws Governing the Publication of Municipal Annual Reports

H.P. 102 L.D. 144

Which were **PASSED TO BE ENACTED** and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Resolve

Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine

S.P. 101 L.D. 279
(S "A" S-30)

Which was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment, has 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 (3/15/93) matter:

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 10, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report (Division Requested)

(In Senate, March 10, 1993, Reports **READ**. **ACCEPTANCE** of Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Minority **OUGHT NOT TO PASS** Report **ACCEPTED**. Subsequently, **RECONSIDERED**. Minority **OUGHT NOT TO PASS** Report **FAILED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

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

SENATE REPORTS - from the Committee on **LEGAL AFFAIRS** on Resolve, to Allow Neal and Linda Chute to Bring an Action against the State

S.P. 17 L.D. 7

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-44)**

Tabled - March 15, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, March 15, 1993, Reports **READ.**)

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

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

Emergency

An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code (Governor's Bill)

S.P. 251 L.D. 770
(H "A" H-60)

Tabled - March 15, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, March 15, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-60)** without reference to a Committee, in concurrence.)

(In House, March 15, 1993, **PASSED TO BE ENACTED.**)

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

Senator **LAWRENCE** of York was granted unanimous consent to address the Senate on the Record.

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. By now everyone knows that the results of the Secretary of Defense's recommendations on Base closures were favorable for both the Brunswick Naval Air Station and the Kittery Naval Ship Yard. Lest anyone think the battle is over regarding the Base closure list, I wanted to take a moment to refresh your memories on how we got there and where we are going from here. Back in 1991

when the first Base closure Commission made its recommendations, the recommendations regarding the Kittery Ship Yard were very unfavorable. In fact at that time it looked like the Kittery Ship Yard would be on the next list. At that time a group of citizens in the local area and municipalities and the two state governments got together and began to start the cog that refuted that information which was wrongly based on the future of the ship yard. That two year process, headed by the Seacoast Shipyard Association resulted in our not being on the list. What was on the list out of the three yards with which we compete, Mayor Island, Charleston and the Kittery Naval Shipyard, two of those yards were closed. For us that's good news, for those communities that is bad news. I just wanted to point out we are in the process now where the Base closure Commission or the President of the United States can make changes, can take Charleston off the list and put Kittery back on the list. I just want to read to you briefly something that was printed recently in the Charleston Post Courier. It's referring to Senator Hollings and Senator Strom Thurmond from South Carolina, it said "Hollings was able to save South Carolina from the budget knife even when the U.S. Senate's most powerful member, George Mitchell of Maine, lost his battle to save important Air Force Bases, Loring and Pease in New Hampshire. Today it seems that the Charleston Naval Base is the price South Carolina must pay for all the military money Hollings and Thurmond have gotten over the past years for the different parts of the State. Mitchell, meanwhile, is reaping the benefits of having sacrificed two years ago." That same day the Post Courier editorialized against the Portsmouth Naval Shipyard. It said, "If, for example, the Portsmouth Naval Shipyard, isn't on the Base closure list, as it is now believed, the scent of politics will be heavy." They go back to the 1991 list and show that Charleston was ranked above the Portsmouth Naval Shipyard on that list. I merely point that out to say to you anyone who believes that when that list was announced the battle is over is wrong. The battle is just beginning. There is a Bill before the South Carolina Legislature to appropriate half a million dollars to take Charleston off the list. Their direct effort is to see that Portsmouth goes on the list and that Charleston is taken off. I simply say those words so that we are well aware that the reason for us not being on the list is that we thought, in advance, years ago that we had to make not an economic impact argument but a National strategic defense argument on behalf of the yard. For the next two years, through the 1995 closure list we must continue to do that, to see that the Kittery Naval Shipyard remains an integral part of our post cold war defense strategy. Thank you.

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 Extend the Commission to Study the Future of Maine's Courts" (Emergency)

S.P. 303 L.D. 919

In Senate, March 15, 1993, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

Off Record Remarks

Senator **LUTHER** of Oxford was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CARPENTER** of York, **ADJOURNED** until Thursday, March 18, 1993, at 10:00 in the morning.