

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 18, 1993

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

Prayer by Pastor H.B. Richards of the Church of the Nazarene in Bingham.

PASTOR H.B. RICHARDS: Our Father, first we want to thank you for allowing us to be here today and we want to thank you for all the things you have done for us. Then we ask you this morning to bestow on these men and women who represent us, your blessing in the form of patience and understanding, compassion and wisdom. We put ourselves in your hands and trust you for your leadership as we lead our State. Once again we thank you for all that you do for us. Amen.

Reading of the Journal of Tuesday, March 16, 1993.

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

S.P. 316

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 22, 1993, at four o'clock in the afternoon.

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

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

SENATE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act Regarding the Purchase of Spirits at State Liquor Stores"

S.P. 91 L.D. 245

Majority - **Ought Not to Pass**.

Minority - **Ought to Pass**.

In Senate, March 15, 1993, with the Reports **READ** and Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LEGAL AFFAIRS**.

Comes from the House the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System" H.P. 680 L.D. 922

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

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

Bill "An Act to Amend the School Funding Formula" H.P. 682 L.D. 924

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

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

Bill "An Act to Amend the Underground Oil Storage Tank Replacement Fund" (Emergency) H.P. 681 L.D. 923

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

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

Bill "An Act to Authorize Video Gaming"
H.P. 683 L.D. 925

Sent down for concurrence.

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

The Following Communication: H.P. 684

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

**COMMISSION TO STUDY THE FUTURE
OF MAINE'S COURTS
142 FEDERAL STREET
PORTLAND, MAINE 04101**

March 10, 1993

Bill "An Act to Authorize the Operation of
Articulated Buses on Maine Highways"
H.P. 679 L.D. 921

The Hon. John L. Martin
Speaker of the House
Maine House of Representatives
Augusta, ME 04333

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

Dear Speaker Martin:

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

On behalf of the Commission to Study the Future of
Maine's Courts, it is my pleasure to present to you
our final report entitled "New Dimensions for
Justice."

Sincerely,

S/Harriet P. Henry, Chair

COMMUNICATIONS

The Following Communication: S.P. 317

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

116TH MAINE LEGISLATURE

March 17, 1993

The Following Communication:

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

**STATE OF MAINE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE 04333**

March 16, 1993

Dear Chairs:

Please be advised that Governor John R. McKernan,
Jr. has nominated John H. Cox of Bangor and Gerard M.
Lamarre of Brunswick for reappointments to the
Harness Racing Commission.

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

Dear Secretary O'Brien:

Pursuant to Title 8, MRSA Section 261-A, these
nominations will require review by the Joint Standing
Committee on Agriculture and confirmation by the
Senate.

Pursuant to my authority under M.R.S.A. 20-A, Section
11002, I have appointed Senator John J. O'Dea of
Penobscot to the New England Board of Higher
Education.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Sen. O'Dea will be replacing Stephen Estes who is no
longer an active member of the Senate.

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 referred to the Committee on
AGRICULTURE.

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

SENATE PAPERS

Bill "An Act to Provide Equitable School Funding"
S.P. 306 L.D. 939

Presented by President **DUTREMBLE** of York
Cosponsored by Senator **BRANNIGAN** of Cumberland,
Representative **ROWE** of Portland and Senator:
HARRIMAN of Cumberland

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

Sent down for concurrence.

Bill "An Act to Expand the Rights of People with
Mental Illness or Mental Retardation" (Emergency)
S.P. 314 L.D. 947

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Senator: **FOSTER** of Hancock

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

Sent down for concurrence.

Bill "An Act to Amend the Adoption Laws"
S.P. 309 L.D. 942

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Senators: **BRANNIGAN** of
Cumberland, **HANLEY** of Oxford, Representatives:
JOHNSON of South Portland, **PINEAU** of Jay, **PLOWMAN**
of Hampden

Bill "An Act Regarding Appeal Periods in District
Court Civil Cases" (Emergency)
S.P. 312 L.D. 945

Presented by Senator **HANLEY** of Oxford
Submitted by the Judicial Department pursuant to
Joint Rule 24.

Bill "An Act to Authorize Trustees to Make Trust
Investments in Certain Affiliated Securities and
Bonds"
S.P. 313 L.D. 946

Presented by Senator **LAWRENCE** of York

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

Sent down for concurrence.

Bill "An Act Regarding Visually Impaired Voters"
S.P. 305 L.D. 938

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Representative **WINN** of Glenburn and
Representatives: **FAIRCLOTH** of Bangor, **MORRISON** of
Bangor, **SAXL** of Bangor, **SULLIVAN** of Bangor

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

Sent down for concurrence.

Bill "An Act Relating to the Portland Harbor
Commission and Portland Harbor"
S.P. 315 L.D. 948

Presented by Senator **CONLEY** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Promote Fair Contract Bidding"
S.P. 310 L.D. 943

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **CLEMENT** of Clinton

Bill "An Act to Amend the Composition of the Port
Authority for the Town of Kittery"
S.P. 311 L.D. 944

Presented by Senator **LAWRENCE** of York
Cosponsored by Representative **LEMONT** of Kittery
and Representatives: **MARSHALL** of Eliot, **OTT** of
York

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

Sent down for concurrence.

Bill "An Act to Clarify the Tax-exempt Status of
Campgrounds Owned and Operated by Religious or
Nonprofit Organizations"
S.P. 308 L.D. 941

Presented by Senator **VOSE** of Washington
Cosponsored by Representative: **BAILEY** of Township
27

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

Sent down for concurrence.

Bill "An Act to Minimize Electric Rates"
S.P. 307 L.D. 940

Presented by President **DUTREMBLE** of York
Cosponsored by Senator **CARPENTER** of York and
Representatives: **CASHMAN** of Old Town, **MORRISON** of
Bangor

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS**
on Bill "An Act to Permit Retired Teachers to Rejoin
the Teachers Health Insurance Plan after Serving in
the Legislature"

H.P. 26 L.D. 29

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-49)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-49).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-49) **READ** and
ADOPTED, in concurrence.

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

The Committee on **FISHERIES & WILDLIFE** on Bill
"An Act to Make the Minimum Age for a Muzzle-loading
License the Same as the Minimum Age for a Hunting
License"

H.P. 294 L.D. 382

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-57)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-57).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-57) **READ** and
ADOPTED, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to
Require the Use of Standardized Evidence Kits for
Cases of Gross Sexual Assault"

H.P. 198 L.D. 260

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-50)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-50).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-50) **READ** and
ADOPTED, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to
Coordinate Public Sector Occupational Health and
Safety Regulations"

H.P. 362 L.D. 465

Reported that the same **Ought to Pass as Amended**
by **Committee Amendment "A" (H-54)**.

Comes from the House with the Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS**
AMENDED BY COMMITTEE AMENDMENT "A" (H-54).

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-54) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Facilitate the Payment and Collection of Safety Education and Training Fund Assessments"
H.P. 369 L.D. 472

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-53).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-53) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, To Authorize the Director of the Bureau of General Services to Transfer in the Name of the State a Certain State Built Water Pipeline in the Town of Boothbay Harbor
H.P. 308 L.D. 396

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-56).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-56).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-56) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, Requiring All State Departments and Agencies to Analyze Unfunded Mandates (Emergency)
H.P. 418 L.D. 537

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-55).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-55).**

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-55) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **BRANNIGAN** for the Committee on **TRANSPORTATION** on Bill "An Act to Make Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (Governor's Bill) (Emergency)
S.P. 48 L.D. 70

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

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-46) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

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

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

House As Amended

Bill "An Act Regarding Closed Clam Flats" (Emergency)

H.P. 18 L.D. 20
(H "A" H-48 to C "A" H-41)

Bill "An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers"

H.P. 20 L.D. 22
(C "A" H-43)

Bill "An Act to Amend the Laws Safeguarding Production of Ground Water"

H.P. 34 L.D. 37
(C "A" H-44)

Bill "An Act to Classify the Medomak River"

H.P. 70 L.D. 100
(C "A" H-45)

Bill "An Act to Continue the Franklin County Budget Committee"

H.P. 244 L.D. 323
(C "A" H-47)

Bill "An Act to Amend the Procedure for Settling Disputes on Construction Contract Claims"

H.P. 361 L.D. 464
(C "A" H-46)

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

ENACTORS

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

An Act to Amend the Law Pertaining to Abandoned Vehicles

H.P. 320 L.D. 408

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

Emergency

An Act to Clarify the Enforcement Authority of the Maine Sardine Council

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

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Retain the Current Standard for the Release of Tributyltin in Marine Antifouling Paints

H.P. 7 L.D. 14
(C "A" H-32)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Clarify Insurance Eligibility

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

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act Concerning Employees of the Maine Technical College System

H.P. 78 L.D. 108
(C "A" H-29)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

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

NOMINATION - of S. Kirk Studstrup of Hallowell for reappointment as a Judge-at-Large of the Maine District Court

Tabled - March 16, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, March 16, 1993, Communication from the Committee on **JUDICIARY READ** and **ORDERED PLACED ON FILE.**)

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

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

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)

Tabled - March 16, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A (H-31)**, in concurrence

(In Senate, March 16, 1993, **READ A SECOND TIME.**)

(In House, March 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT A (H-31).**)

Which was **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND 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 16, 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 (Division Requested).

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 16, 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 16, 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.**)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 17, 1993

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Maine 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 Legal Affairs has had under consideration the nomination of Mary Anne Smith of Norway, for reappointment to the Maine State Liquor Commission.

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. Carey of Kennebec, Sen. Handy of Androscoggin, Sen Hall of Piscataquis
	Rep. 9	Rep. Daggett of Augusta, Rep. Michael of Auburn, Rep. Bowers of Washington, Rep. Gamache of Lewiston, Rep. Stevens of Sabattus, Rep. Bennett of Norway, Rep. Nash of Camden, Rep. Robichaud of Caribou, Rep. True of Fryburg

NAYS: 0

ABSENT: 1 Rep. Lemke of Westbrook

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 Mary Anne Smith of Norway, for reappointment to the Maine State Liquor Commission be confirmed.

Signed:

S/Richard J. Carey
Senate Chair

S/Beverly C. Daggett
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Legal Affairs has recommended the nomination of Mary Anne Smith of Norway be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Legal Affairs 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, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BRANNIGAN, CONLEY, SUMMERS, TITCOMB

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 Mary Anne Smith, was **CONFIRMED.**

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

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

Senator **PARADIS** of Aroostook was granted unanimous consent to address the Senate off the Record.

On motion by Senator **CIANCHETTE** of Somerset, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Require Sellers of Mobile Homes to Make Specific Disclosures Regarding Formaldehyde When the Purchase Agreement is Executed"
H.P. 690 L.D. 931

Bill "An Act to Allow Home Buyers to Conduct Inspections for Asbestos, Lead Paint, Radon and Other Hazardous Conditions"
H.P. 692 L.D. 933

Bill "An Act to Require That Professional Boards Set Copying Fees for Members of the Professions They Regulate"
H.P. 695 L.D. 936

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 Protect the Allagash Wilderness Waterway"

H.P. 702 L.D. 954

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

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

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Law Court Staffing"
H.P. 699 L.D. 951

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

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

Bill "An Act to Limit the Physical Presence of Candidates at Voting Places on Election Day"
H.P. 689 L.D. 930

Bill "An Act to Amend the Liquor Laws"
H.P. 696 L.D. 937

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Increase Access to Clam Flats for Nonresident Clam Diggers"

H.P. 701 L.D. 953

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

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

Bill "An Act to Compensate Towns and Counties for Time Police Officers Spend in Court"

H.P. 693 L.D. 934

Bill "An Act to Increase the Number of Cumberland County Commissioners"

H.P. 700 L.D. 952

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Circuit Breaker Program Laws"

H.P. 687 L.D. 928

Resolve, Authorizing the Bureau of Taxation to Make Certain Reimbursements for Inheritance Taxes Collected in Error

H.P. 688 L.D. 929

Bill "An Act to Require That Sales Tax on Extended Warranties and Extended Protection Plans Be Paid at the Time of Sale"

H.P. 697 L.D. 949

Bill "An Act to Enhance Public Recreational Opportunity"

H.P. 698 L.D. 950

Bill "An Act to Clarify the Laws Related to State Tax Increment Financing"

H.P. 704 L.D. 956

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.

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 Disclosure of Residential Electrical Costs"

H.P. 685 L.D. 926

Bill "An Act to Include a Waiver Provision for the Advance Notice Required by the Public Utilities Commission for Energy Agreements and Contracts"

H.P. 686 L.D. 927

Bill "An Act to Provide Lower Electricity Costs to Utility Ratepayers" (Emergency)

H.P. 703 L.D. 955

Bill "An Act to Amend the Charter of the Newport Water District" (Emergency)

H.P. 705 L.D. 957

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

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

Off Record Remarks

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Monday, March 22, 1993, at 4:00 in the afternoon.