

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
Monday
April 5, 1993

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

Prayer by the Honorable Richard J. Carey of Kennebec.

SENATOR RICHARD CAREY: Thank you Mr. President. Let us pray. Lord as we continue to do our work let us not forget that you have allowed us to represent the people of this great state. We ask for your divine guidance in these deliberations and we pray that your will be done. Amen.

Reading of the Journal of Thursday, April 1, 1993.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Authorizing Judicial Retirement Service Credit for Service as a Workers' Compensation Commissioner"

S.P. 376 L.D. 1132

In Senate, April 1, 1993, referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**.

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

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

House Papers

Bill "An Act to Change the Base Period for Calculation of Maine State Retirement System Benefits"
H.P. 814 L.D. 1100

Bill "An Act to Change the Nomination Procedure of the Board of Trustees of the Maine State Retirement System"

H.P. 824 L.D. 1110

Bill "An Act to Improve the Functions and Operations of the Maine State Retirement System"

H.P. 831 L.D. 1117

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

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

Bill "An Act to Reform the Audit and Program Review Process"

H.P. 849 L.D. 1154

Comes from the House referred to the Committee on **AUDIT & PROGRAM REVIEW** and **ORDERED PRINTED**.

Which was referred to the Committee on **AUDIT & PROGRAM REVIEW** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require Insurers to Obtain Written Consent from the Policy Owner before Transferring a Policy to Another Insurer"

H.P. 829 L.D. 1115

Bill "An Act to Allow Elementary and Secondary Schools to Obtain Insurance Coverage through the Risk Management Division within the Bureau of General Services"

H.P. 832 L.D. 1118

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 Related to Suppliers of Compressed Air for Breathing"

H.P. 816 L.D. 1102

Bill "An Act to Amend the Laws Regulating the Practice of Optometry"

H.P. 846 L.D. 1151

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.

Resolve, to Make Public School Teachers Employees of the State

H.P. 826 L.D. 1112

Resolve, to Extend the Commission to Study the Feasibility of a Capital Cultural Center and to Establish an Advisory Committee to the Commission (Emergency)

H.P. 827 L.D. 1113

Bill "An Act to Provide Additional Funds to Educate Certain At-risk Students"

H.P. 841 L.D. 1146

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 Authorize State Agencies to Accept Funds for a Natural Gas Vehicle Demonstration Project"

H.P. 819 L.D. 1105

Bill "An Act to Improve the Administration of the Landfill Closure Program" (Emergency)

H.P. 848 L.D. 1153

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 Amend the Laws Governing Resident Fishing Licenses"

H.P. 833 L.D. 1138

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.

Resolve, Relating to Preparation for Defense Conversion

H.P. 821 L.D. 1107

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 Amend the Sexual Assault Laws"

H.P. 823 L.D. 1109

Bill "An Act to Provide Victims of Medical Injury Access to Information"

H.P. 837 L.D. 1142

Bill "An Act to Change the Maine Rules of Evidence That Currently Allow the Admission of Subsequent Remedial Measures as Evidence of Negligence"

H.P. 840 L.D. 1145

Bill "An Act to Amend the Power of Sale Foreclosure Laws"

H.P. 843 L.D. 1148

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 Amend the Child Labor Laws"

H.P. 822 L.D. 1108

Bill "An Act Concerning the Working Hours of Minors"

H.P. 839 L.D. 1144

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

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

Bill "An Act to Encourage Participation in Primary Elections"

H.P. 815 L.D. 1101

Bill "An Act to Amend the Landfill Laws"
H.P. 817 L.D. 1103

Bill "An Act to Ensure the Voting Rights of Homeless People"
H.P. 818 L.D. 1104

Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers"
H.P. 828 L.D. 1114

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 Amend the Laws Relating to the Lobster Promotion Council"
H.P. 842 L.D. 1147

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.

Resolve, to Promote Joint Purchasing by Nonprofit Organizations
H.P. 820 L.D. 1106

Resolve, to Create the Commission to Establish Criteria and Qualifications for Certain State Officers (Emergency)
H.P. 825 L.D. 1111

Bill "An Act to Require Renegotiation of State Leases for Real Property"
H.P. 835 L.D. 1140

Bill "An Act Allowing the Town of Hermon to Convey Certain Property within the Town"
H.P. 836 L.D. 1141

Bill "An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government"
H.P. 845 L.D. 1150

(See Action Later Today)

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 Incorporate the Circuit Breaker Program into the Income Tax Process"
H.P. 813 L.D. 1099

Bill "An Act to Amend the Tree Growth and Open Space Laws"
H.P. 830 L.D. 1116

Bill "An Act Concerning the Definition of Telecommunications Under the Tax Laws"
H.P. 838 L.D. 1143

Bill "An Act to Amend the Enforcement Provisions of the Bureau of Taxation"
H.P. 844 L.D. 1149

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 Railroad Personnel"
H.P. 834 L.D. 1139

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

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

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

Bill "An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring" (Governor's Bill) (Emergency)
H.P. 847 L.D. 1152

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.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters"
H.P. 798 L.D. 1084

Be referred to the Committee on **AGING, RETIREMENT & VETERANS** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **AGING, RETIREMENT & VETERANS** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Agriculture Matters"
H.P. 799 L.D. 1085

Be referred to the Committee on **AGRICULTURE** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **AGRICULTURE** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Appropriations and Financial Affairs"
H.P. 800 L.D. 1086

Be referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Banking and Insurance Matters"
H.P. 801 L.D. 1087

Be referred to the Committee on **BANKING & INSURANCE** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Business Legislation Matters"
H.P. 802 L.D. 1088

Be referred to the Committee on **BUSINESS LEGISLATION** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **BUSINESS LEGISLATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Education Matters"

H.P. 803 L.D. 1089

Be referred to the Committee on **EDUCATION** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Energy and Natural Resource Matters"

H.P. 804 L.D. 1090

Be referred to the Committee on **ENERGY & NATURAL RESOURCES** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **ENERGY & NATURAL RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Fisheries and Wildlife Matters"

H.P. 805 L.D. 1091

Be referred to the Committee on **FISHERIES & WILDLIFE** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Housing and Economic Development Matters"

H.P. 806 L.D. 1092

Be referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Human Resources"

H.P. 807 L.D. 1093

Be referred to the Committee on **HUMAN RESOURCES** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **HUMAN RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Judiciary Matters"

H.P. 808 L.D. 1094

Be referred to the Committee on **JUDICIARY** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Marine Resources Matters"

H.P. 809 L.D. 1095

Be referred to the Committee on **MARINE RESOURCES** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **MARINE RESOURCES** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on State and Local Government Matters"

H.P. 810 L.D. 1096

Be referred to the Committee on **STATE & LOCAL GOVERNMENT** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Transportation Matters"

H.P. 811 L.D. 1097

Be referred to the Committee on **TRANSPORTATION** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **TRANSPORTATION** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

**Pursuant to Public Law
DEPARTMENT OF THE SECRETARY OF STATE**

The **DEPARTMENT OF THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 8, ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Utilities Matters"

H.P. 812 L.D. 1098

Be referred to the Committee on **UTILITIES** for Public Hearing and printed pursuant to Joint Rule 20.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **UTILITIES** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

The Bill referred to the Committee on **UTILITIES** and **ORDERED PRINTED**, pursuant to Joint Rule 20, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication:

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

April 1, 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 Education has had under consideration the nomination of Bridget Healy of Freeport, 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. 3 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

Rep. 9 Mitchell of Vassalboro, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 1 Rep. Oliver of Portland

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 Bridget Healy of Freeport, 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**.

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 31, 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 Energy and Natural Resources has had under consideration the nomination of Richard P. Bentzel of Fairfield, for reappointment to the Sludge and Residuals Utilization Research Foundation.

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 Lawrence of York, Cianchette of Somerset, Ludwig of Aroostook

Rep. 9 Jacques of Waterville, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Poulin of Oakland, Wentworth of Arundel, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

YEAS: Sen. 3 Lawrence of York, Cianchette of Somerset, Ludwig of Aroostook

Rep. 9 Jacques of Waterville, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Poulin of Oakland, Wentworth of Arundel, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

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 Richard P. Bentzel of Fairfield, for reappointment to the Sludge and Residuals Utilization Research Foundation be confirmed.

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 Franklin P. Eggert of Verona, for reappointment to the Sludge and Residuals Utilization Research Foundation be confirmed.

Signed:

Signed:

S/Mark W. Lawrence
Senate Chair

S/Paul F. Jacques
House Chair

S/Mark W. Lawrence
Senate Chair

S/Paul F. Jacques
House Chair

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

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

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

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

The Following Communication:

The Following Communication:

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 31, 1993

March 31, 1993

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

The Honorable Dennis L. Dutremble
President of the Senate of Maine
116th Maine 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 Energy and Natural Resources has had under consideration the nomination of Franklin P. Eggert of Verona, for reappointment to the Sludge and Residuals Utilization Research Foundation.

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 Energy and Natural Resources has had under consideration the nomination of Rodney L. McCormick of Hallowell, for appointment to the Sludge and Residuals Utilization Research Foundation.

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

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

YEAS: Sen. 3 Lawrence of York, Cianchette of Somerset, Ludwig of Aroostook

Rep. 9 Jacques of Waterville, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Poulin of Oakland, Wentworth of Arundel, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner

NAYS: 0

ABSENT: 1 Rep. Mitchell of Freeport

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 Rodney L. McCormick of Hallowell, for appointment to the Sludge and Residuals Utilization Research Foundation be confirmed.

Signed:

S/Mark W. Lawrence
Senate Chair

S/Paul F. Jacques
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:

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

March 31, 1993

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

Dear Secretary O'Brien:

Please be advised that I have made the following appointments:

Regional Agriculture Committee; Pursuant to Maine Resolves of 1983, Chapter 46:
Sen. Judith A. Paradis, of Aroostook

Maine Council on Alcohol and Drug Abuse Prevention and Treatment; Pursuant to MRSA 5, Chapter 521, Section 20061:
Sen. Beverly M. Bustin, of Kennebec (reappointment)

Maine Correctional Advisory Commission; Pursuant to MRSA 34-A, Section 1204:
Sen. Gerard P. Conley, Jr., of Cumberland

Maine Criminal Justice Commission; Pursuant to MRSA 5, Chapter 316, Section 3358:
Sen. Gerard P. Conley, Jr., of Cumberland
Sen. Georgette B. Berube, of Androscoggin

Human Resource Development Council; Pursuant to MRSA 26, Section 2005:
Sen. James R. Handy, of Androscoggin

Maine-New Hampshire Boundary Advisory Commission; Pursuant to MRSA 5, Chapter 12, Section 251:
Sen. Mark W. Lawrence, of York

Petroleum Advisory Committee; Pursuant to MRSA 10, Chapter 308, Section 1678:
Sen. John E. Baldacci, of Penobscot (reappointment)

Piscataqua River Basin Council; Pursuant to Private and Special Law of 1992, Chapter 95:
Sen. Bonnie L. Titcomb, of Cumberland (reappointment)
Sen. Mark W. Lawrence, of York

Maine Transportation Capitol Improvement Planning Commission; Pursuant to MRSA 23, Chapter 413, Section 4501:
Sen. Joseph C. Brannigan, of Cumberland.

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

The Following Communication:

**MAINE DEPARTMENT OF AGRICULTURE
FOOD AND RURAL RESOURCES
STATE HOUSE STATION 28
AUGUSTA, MAINE 04333-0028**

March 30, 1993

Senate President Dennis Dutremble
Speaker of the House John L. Martin, and
Members of the 116th Maine Legislature

Dear President Dutremble, Speaker Martin, and
Members of the Legislature:

I am pleased to submit to you today the 1992 Report of the Maine Department of Agriculture, Food, and Rural Resources, "Maine Agriculture: The Big Picture". All too often, in our effort to try to solve our day-to-day problems we lose sight of the impact that agriculture, and our other natural resource agencies, have on the State's economy.

This report is submitted pursuant to Title 7 MRSA, Section 2.

Copies of this Report are being distributed to each member of the Legislature. I would be happy to discuss it further with any of you who might be interested.

Sincerely,

S/Bernard W. Shaw
Commissioner

Sent down for concurrence.

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

Bill "An Act Regarding Hunting of Deer with
Muzzle Loaders"

S.P. 384 L.D. 1165

SENATE PAPERS

Bill "An Act Allowing Participating Local
Districts to Determine Eligibility in the Maine State
Retirement System"

S.P. 387 L.D. 1182

Presented by Senator **AMERO** of Cumberland
Cosponsored by Senator: **WEBSTER** of Franklin,
Representatives: **DEXTER** of Kingfield, **SULLIVAN** of
Bangor

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

Sent down for concurrence.

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

Sent down for concurrence.

Bill "An Act to Clarify Relevant Information in
Administrative Rule-making Procedures"

S.P. 383 L.D. 1164

Presented by Senator **CARPENTER** of York
Cosponsored by Senators: **BERUBE** of
Androscoggin, **BUTLAND** of Cumberland, **KIEFFER**
of Aroostook, **SUMMERS** of Cumberland

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

Sent down for concurrence.

Bill "An Act Creating the Maine Budget and
Economic Stabilization Fund"

S.P. 386 L.D. 1167

Presented by Senator **CAHILL** of Sagadahoc
Cosponsored by Senator: **FOSTER** of Hancock,
Representative: **CARROLL** of Gray

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

Sent down for concurrence.

Bill "An Act Concerning Independent Contractors
under the Workers' Compensation Laws" (Emergency)

S.P. 389 L.D. 1184

Presented by President **DUTREMBLE** of York
Cosponsored by Senator **CIANCHETTE** of Somerset,
Representative **GOULD** of Greenville and Senators:
BALDACCI of Penobscot, **CARPENTER** of York,
LUTHER of Oxford, **O'DEA** of Penobscot,
PARADIS of Aroostook, **PEARSON** of Penobscot,
Representatives: **AIKMAN** of Poland, **ANDERSON** of
Woodland, **CLARK** of Millinocket, **COLES** of
Harpwell, **DEXTER** of Kingfield, **ERWIN** of Rumford,
HEESCHEN of Wilton, **HUSSEY** of Milo, **MORRISON** of
Bangor, **PINEAU** of Jay, **RUHLIN** of Brewer, **TARDY** of
Palmyra, **THOMPSON** of Lincoln, **WALKER** of Blue
Hill, **WHITCOMB** of Waldo
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act to Increase Access to Primary Care
by Redefining the Practice of Advanced Nursing"

S.P. 390 L.D. 1185

Presented by Senator **MCCORMICK** of Kennebec
Cosponsored by Senators: **BRANNIGAN** of
Cumberland, **BUSTIN** of Kennebec, **DUTREMBLE** of
York, **HANDY** of Androscoggin, **HARRIMAN** of
Cumberland, **PARADIS** of Aroostook, **TITCOMB** of
Cumberland, Representatives: **BARTH** of Bethel,
BOWERS of Washington, **BRENNAN** of Portland,
FARNSWORTH of Hallowell, **GEAN** of Alfred, **HOLT** of
Bath, **MARTIN** of Eagle Lake, **MITCHELL** of
Vassalboro, **OLIVER** of Portland, **PINETTE** of Fort
Kent, **ROWE** of Portland, **RYDELL** of Brunswick,
TRACY of Rome, **TREAT** of Gardiner

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

Bill "An Act Establishing Weapons License Reciprocity"

S.P. 388 L.D. 1183

Presented by Senator HALL of Piscataquis
Cosponsored by Senators: BALDACCI of Penobscot,
HALL of Piscataquis, Representatives: BENNETT
of Norway, CROSS of Dover-Foxcroft, ROTONDI of
Athens

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

Sent down for concurrence.

Bill "An Act to Provide for Excise Tax
Reimbursement to Businesses Engaged in Renting of
Private Passenger Motor Vehicles"

S.P. 385 L.D. 1166

Presented by Senator CAHILL of Sagadahoc
Cosponsored by Senator: BALDACCI of Penobscot,
Representative: HOGLUND of Portland

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Change of Reference

The Committee on BANKING & INSURANCE on 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

Reported that the same be REFERRED to the
Committee on BUSINESS LEGISLATION.

Comes from the House with the Report READ and
ACCEPTED and the Bill REFERRED to the Committee
on BUSINESS LEGISLATION.

Which Report was READ and ACCEPTED, in
concurrence.

The Bill REFERRED to the Committee on BUSINESS
LEGISLATION, in concurrence.

Ought to Pass As Amended

The Committee on AGRICULTURE on Bill "An Act to
Create a Program to Promote the Purchase of
State-grown Produce by Needy Persons" (Emergency)
H.P. 83 L.D. 113

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-86).

Comes from the House with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-86).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-86) READ and
ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR
SECOND READING.

The Committee on BANKING & INSURANCE on Bill
"An Act to Amend the Membership of the State Employee
Health Commission"

H.P. 200 L.D. 262

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-82).

Comes from the House with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-82).

Which Report was READ and ACCEPTED, in
concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-82) READ and
ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR
SECOND READING.

The Committee on BANKING & INSURANCE on Bill
"An Act to Improve Compliance with the Laws Governing
Financial Responsibility"

H.P. 312 L.D. 400

Reported that the same Ought to Pass as Amended
by Committee Amendment "A" (H-81).

Comes from the House with the Report READ and
ACCEPTED and the Bill PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-81).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-81) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR** on Bill "An Act to Transfer the Predetermination of Independent Contractor Status Responsibility in the Workers' Compensation Laws"

H.P. 385 L.D. 498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Deter Felons from Carrying Firearms during the Maine Hunting Season"

H.P. 150 L.D. 202

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-83)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-83) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish the Boundary between the Town of Cornville and the Town of Skowhegan"

S.P. 270 L.D. 834

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

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

The Bill **READ ONCE**.

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

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reestablish a Portion of the Boundary between Lincoln and Kennebec Counties"

S.P. 288 L.D. 858

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

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

The Bill **READ ONCE**.

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

SECOND READERS

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

House

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

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

House As Amended

Bill "An Act to Repeal the Mandatory First-aid Requirement for Licensed Maine Guides"
H.P. 248 L.D. 327
(C "A" H-76)

Resolve, Creating the Kennebec County Law Enforcement Examination Commission
H.P. 365 L.D. 468
(C "A" H-68)

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

Senate As Amended

Bill "An Act to Provide an Adequate Period for the Adoption of Local Ordinances"

S.P. 150 L.D. 482
(C "A" S-53)

Which was **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 Regarding Motorized Wheelchairs"
H.P. 202 L.D. 264
(C "B" H-52)

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, March 29, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-52)**, in concurrence.)

(In House, March 30, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-91)** thereto, in **NON-CONCURRENCE**.)

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

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

NOMINATION - of Gene L. Brown of Durham for reappointment to the Inland Fisheries and Wildlife Advisory Council

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 1, 1993, Communication from the Committee on **FISHERIES & WILDLIFE READ** and **ORDERED PLACED ON FILE**.)

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

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

JOINT RESOLUTION - relative to petitioning the United States Congress to propose an amendment to the United States Constitution to limit Congressional terms of office

S.P. 370

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION**

(In Senate, April 1, 1993, **READ**.)

Senator **ESTY** of Cumberland moved the **INDEFINITE POSTPONEMENT** of Joint Resolution.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Joint Resolution before you, a resolve petitioning the United States Congress to propose an amendment to the United States Constitution to limit Congressional terms of office, is a resolution which I feel is very important for this body to take a positive action upon. For term limits should be viewed for what they are, a principled move by the people of our nation to reintroduce the idea of public service for the public good. Our Congress has drifted from this idea, becoming a haven for the careerists and power brokers. Congress was intended to be the people's branch of government, reflecting their interests and concerns. Today only isolated outposts of the public service ethic survive. It is our task then, not only to serve as an example for the rest of the nation but to press with every means at our disposal for the term limits that will return Congress to our fold. Our neighboring state of New Hampshire to the west, just last week in the House passed statutory limits for their members.

The question arises as far as what is the effect of term limits. How will they change the legislative body. I would like to just share some facts with this body. Proposition 140, which was California's State term limits, was passed in November of 1990 and already the effects of the measure are becoming clear. More people are running for office and those elected represent a broader cross section of Californians. Gridlock is down and bipartisan efforts are up. With career politicians moving to private sector jobs or running for other offices 44% more candidates filed for the Assembly this past election cycle in California. Term limits expanded voter choices at the ballot box this past November. Men and Women of the Senate, for those of you who were out campaigning this past summer and fall as you went door to door, as you spoke to your constituents, as you asked for their support in November, if your district was anything like my district one of the

concerns that was pressed upon me was the idea of how can we change the process when we can't people to run against the long term incumbents. When we can't get the quality of people we need to make the sacrifice to run against the powerful stature that the incumbents have.

Men and women of the Senate, this Joint Resolution will limit the number of terms a Senator could serve to two terms, having twelve years in the Senate. It would limit to six terms or twelve years that a member of the House of Representatives could serve. I believe that the people of our State have spoken clearly and definitively on this measure and I would ask that you vote against the motion to Indefinitely Postpone and Mr. President, I would request a Division.

Senator **HANLEY** of Oxford requested a Division.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Good afternoon. I'd like you join me for a moment if you would. Sit back and relax, just take it easy for a moment and imagine in your mind's eye with me for a moment this scenario. This august body passes this Resolution. Quickly our staff people run to the fax machine and it is faxed to the capitol of this nation. There, on the other end of that fax, is an earnest, polished, squeaky clean individual receiving this fax at our capitol. As it buzzes off the machine there are three staff people, each going off in separate directions. Imagine them running down the halls, breathless, one going to the Speaker of the House, one going to the good Majority Leader of the Senate and one going to the President of our nation. Mr. Speaker, Mr. President, Mr. Majority Leader hold the vote! Hold the vote! We have received a fax from the great State of Maine. They have memorialized us on term limits. Regardless of the length of debate we have had, the thoughts we had, we must reverse all of our thinking on this because now we have the thinking and position of the great State of Maine. Let us not work on the economy, let us not provide more jobs, let us not deal with health care, let us not deal with the disintegration of the Russian Empire to help them, we have more important matters before us now ladies and gentlemen. We have a fax from the Senate of Maine who have told us how we should vote on this.

Now obviously I've built a scenario which is a little facetious. I've built it for you because the effect of these memorializations have approximately the same effect as dumping another thimbleful of water into the Atlantic Ocean. It is not measurable. It takes up our time. The purposes are something other than what we have an effect on and therefore we spend a great deal of time memorializing Congress to do a number of things which we have no particular effect on whatsoever. It seems to me more appropriate that we spend our time doing what we ought to do. Let me suggest to each of you members of the Senate, this is your body, this is your institution. You have control over what you want to do here, this isn't a party issue, this isn't an issue of one particular group versus another, this is what you want for your Senate and how you would like to proceed. You have the authority and the power to control what we do. Whether leadership allows these in or doesn't allow these in, you can make a decision whether or not you want to deal with them. If you don't you ought to make a clear stand today that

these memorializations are inappropriate, we have no particular time for them and they achieve no specific purpose other than a private and personal agenda for the individual or group of individuals who choose to introduce them. I'm sure the people back in your districts have elected you to speak for them. Some 35,000 to perhaps as many as 43,000 individuals who live in your Senate district rely on you to make decisions on how this institution is run and how their business is done. You have the authority and the power today to decide what you want this body to do. You individually by deciding to Indefinitely Postpone this you clearly say that you have had it with business as usual and wish to proceed with the business of this State. I suggest to you that we won't see to many more of these if you continue to make a clear and definitive statement on this. It rests in your hands. You have the power, the majority controls and I would hope that many of you would join me in Indefinitely Postponing this, not for the content, I take no exception to the content. If any particular Senator wants to write and take any position they have official stationery and they can sign it as an official Senator or group of Senators, but I've talked to you about what we would do in this institution, what the purpose and function of this institution is and I hope that you will join with me in supporting the motion to Indefinitely Postpone so that we might lay to rest these trivial exercises in achieving some political point that only achieves the purpose of politicizing us. We have enough difficult decisions to make, we are divided on decisions of our own here in this state way to often, but that's what we have chosen to do. Let's not import issues from outside of this State which are clearly Congressional issues on which we find further divisions on which we must divide ourselves. Let's find those things on which we can agree and on which we can effect and therefore use our time more effectively. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could just respond to my good friend from Androscoggin, Senator Cleveland, on a couple of points that were raised. As far as a private agenda I would beg to differ, for those of you who have had the opportunity to send out questionnaires to your constituency, I have had such an opportunity as a member of the House for the last six years, each questionnaire I sent out I asked whether or not my constituents would be in favor of term limits not only for their State Legislators but also Congressional Legislators. Every questionnaire that came back the response in favor of term limits was well upwards of 60%. Some of them were as high as the mid 70's and I have retained all of those questionnaires if the good Senator would like to review those. As far as a private agenda I do not believe that is so. I think this is a very public agenda. One that is reverberating throughout my district as well, as I expect, through most of yours. The second point is maybe if we had term limits some of the problems that Senator Cleveland raised wouldn't be as prevalent as they are now. Thirdly the impact of the fax being sent down to Washington, if I can just ask you once again to sit back and envision this bright eyed Congressional staff person receiving this fax. If that staffer was in Senator Mitchell's office I think it might have an impact and I think there's something that the members of the Senate might like to learn. Last month in February the Senate Majority Leader, George Mitchell, introduced a Resolution to allow for Senators Bumper and Pryor of Arkansas, where a court case is being

levied against the issue of term limits that the people of Arkansas passed last November to be represented by the Senate Legal Council. While Bumper and Pryor are listed as defendants they are openly opposed to term limits and amendment four, which was approved by 60% of Arkansasings. Senator Mitchell's Resolution essentially allows tax payer dollars to finance anti-term limits legal work. If I was that Congressional staffer, bright eyed and all fresh and I see this fax come through and I give it to Senator Mitchell I think maybe if I was Senator Mitchell I might have a different impact as far as having our Congressional dollars being spent to defend anti-term limit actions.

Men and women of the Senate there are currently 132 members of the House and Senate who have currently served over twelve years. The people of our State have spoken, the people across the nation have spoken. Currently there are fifteen states which have enacted term limits for their Congressional delegations. I think that it's time we increased that to sixteen and I hope the members of this Senate will make that pledge and have Maine become the sixteenth State that will have adopted this. Mr. President, I request a roll call.

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

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want it to be very clear that I am going to be voting against the endorsement of this Resolution because I agree with the good Senator from Androscoggin, Senator Cleveland, we have more important things to do here in Augusta in trying to wrestle with the budget and plan for the future of this State instead of worrying about what's going on in Washington or the intricacies of Senate Committees and Senate leaderships in Washington and what's going on. For that reason Mr. President, I won't be supporting this Resolution to the Congress. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **INDEFINITELY POSTPONE** the Joint Resolution.

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS Senators **AMERO, BUTLAND, CAHILL, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUTHER, PARADIS, SUMMERS, WEBSTER**

ABSENT Senator **O'DEA**

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ESTY**, of Cumberland, to **INDEFINITELY POSTPONE** the Joint Resolution, **PREVAILED**.

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

HOUSE REPORT - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Mandate Suspension of a Minor's Operator's License for Possession of Alcohol in a Motor Vehicle"

H.P. 208 L.D. 270

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-78).**

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Report, in concurrence

(In Senate, April 1, 1993, Report **READ**.)

(In House, March 30, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78).**)

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

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

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act to Prohibit People from Riding in the Back of Open Pickup Trucks"

H.P. 22 L.D. 24

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-72).**

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Report

(In Senate, April 1, 1993, Report **READ**.)

(In House, March 30, 1993, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

Senator **WEBSTER** of Franklin moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I hope that this body will not Indefinitely Postpone this piece of legislation. I think this is very reasonable and I know that in the Transportation Committee they worked on several compromises to make this Bill a reality. I can only point to two instances in my own district of Old Orchard Beach where there were youths riding up and down East and West Grand Avenue and a couple of them were actually ejected from the back of the pickup truck and were killed. I would hope that any member of this body would take this seriously enough. I think there were points brought up about the Department of Transportation and the workers who have to sit in the back of the trucks and put cones out or workers on farms and so forth and it is my understanding that those have been taken into consideration and a compromise has been come to. I hope that the body votes against the Indefinite Postponement and I request a Division.

Senator **SUMMERS** of Cumberland requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **WEBSTER** of Franklin, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence.

A Division has been requested.

Will all those in favor please rise in their places and remain standing until counted.

Will all those opposed please rise in their places and remain standing until counted.

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WEBSTER** of Franklin, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, in concurrence, **PREVAILED**.

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

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Providing for the Election of Commissioners of the Public Utilities Commission"

S.P. 45 L.D. 57

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-52)**

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-52)** Report

(In Senate, April 1, 1993, Reports **READ**.)

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill comes to you with a strong Majority Ought Not to Pass Report. I believe it was 10 - 3 or 11 - 2, I'd be correct if I wanted to look at the record but it was a strong Ought Not to Pass Record. I think what you need to ask yourselves is why should we be electing Commissioners of the Public Utility Commission, why is that process better, what does it hope to achieve in changing the process that has existed here since the Commission was established. I think what you'll find when you ask the questions, and many of those who propose or supported this Bill have done so because there is a frustration in our State currently about high electric rates. The people are paying more than they would like to pay, there are increases that are occurring and perhaps this may be a solution, looking at that problem. I suggest to you that if that is the prime motivation of this Bill then it will not achieve those goals. As a matter of fact history tells us, and experience from other states that it will do exactly the opposite in attaining that goal.

Let me share with you a little bit on why some bodies I think ought to be elected and some bodies ought to be appointed or have a more careful review other than a public election. What is proposed in this Bill is there would be one member elected in essentially the first Congressional district, a second member in the second Congressional district and a Chair would be elected State wide and they would run through a campaign process. They would have campaign committees, they would soon have to raise funds, they would have to promote themselves for this particular office. One has to ask the question where would those funds come from, what would be the interest that those individuals would have in contributing to those campaigns, what would be the qualifications of those individuals other than a particular age they may have to be or a resident, which are the usual requirements for a public office. Are those qualifications sufficient? Would it be an opportunity for those who have higher political aims to get some exposure and who have adequate personal capital or can raise capital to be able to spend that money to be elected to that Commission, who may or may not have any particular experience or knowledge or skill or education or training or background about what regulation is about. It's an extremely complex area and it takes quite some time to understand it and the consequences are enormous. The Commission currently regulates industries in this State that have cumulative or aggregate revenues of \$1.8 billion per year. That's greater than the entire State budget for a year, and has tremendous consequences not only on residential and commercial rates but on industrial growth as well. The concern may be that those individuals may well be able to either personally afford to buy an election, that is overwhelm any opponents with such wealth that they dominate the media and the attention of the public in their campaign, or that there may be special interests involved, whether it may be larger utilities, interest groups who may wish to contribute to a particular candidate that they think represents their point of view or don't represent their point of view.

When you're looking at public offices really you need to look at what kind of skills are needed, what kind of training, what kind of background is necessary to accomplish the skills. I suggest to you that the more specific that they are, the more you need higher skills or training, the more you need the background to do the job, the more it is inappropriate to elect those individuals. I would suggest to you it is something like going to a neurosurgeon because you need some surgery and realizing that the neurosurgeon was elected by popular vote because they were the most favorable person as opposed to an individual who had the training, the background, the experience and who had done the operation and was appointed there by a panel of individuals who could fairly judge those qualifications. It also results in limiting our choice to those individuals to reside in the State as opposed to looking at individuals who reside perhaps out of the State, of course not always, but at least looking at their qualifications if their qualifications are what we are looking for at this particular point. There are forty-one Commissions within this Country who are appointed, there are only thirteen who are elected. That's higher than fifty because there are some states who have more than one Commission. Clearly the practice over the years has been to appoint as opposed to elect. People who would be interested in the long term as well as the short term and are somewhat insulated from the political forces of campaigning. Can you imagine a sitting Commissioner with a rate case before them coming at a time when they need to go for public election, standing before the public who may not be particularly pleased that their rates may go up, whether or not it's justified, whether or not it's necessary, whether or not it's in the better long term interest of the consumers, going through a public process and trying to talk about electric rates. It seems to be it inordinately imposes public pressures on what ought to be a more carefully thought out and quasijudicial process as opposed to a political process.

I also will remind you that this State has voted on this issue. In 1981 there was a referendum, sufficient signatures were gathered, it was put before the people of this State and a large majority of the voters said no they did not want to elect the Public Utilities Commissioner and rejected the proposal then. This year there was a petition drive which was started and insufficient signatures were gained to even bring it before the Legislature for consideration so we had it presented to us via this vehicle which is a Bill. I would ask you to think carefully about doing this, this is a route that most other states have stayed away from, forty one in particular have not chosen to go this way. It presents high risks to the public, it does not guarantee lower rates. As a matter of fact the experience has been that in many of those states where elected Commissioners serve, whose motivation they feel is to respond to the public who elected them, they keep rates artificially low. Those rates are appealed to the State courts and the State courts overturn them. So rather than have a Commission reviewing the rates through an appointed process now we have the courts who become the ultimate arbitrator of what rates ought to be, judges who are not necessarily experienced in utility law are now forced to make decisions on what appropriate utility rates are.

I can certainly feel and I have heard from hundreds and hundreds of my own constituents about the concerns that they have about utility rates. I am sympathetic to those, there are ways in which we can deal with them constructively to insure that everything possible to keep rates reasonable and down can be done. This is not one of them. I would hope as you are asked to vote on this that you will not support the Minority Report. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The last statement we just heard was there are other ways of dealing with this issue. When? The rates are extraordinarily high. When you have homeowners, senior citizens who live on social security who are not eligible for low income, lifeline I guess they call it, programs who have to pay \$57 up to \$70 a month for electricity. When you have small business owners who have to pay, and we're not talking of large businesses now, who have a bill that says Customer Charge \$25.25, Energy Charge \$491.19 and Demand Charge \$567.15. The Demand Charge exceeds the Customer Charge as well as the Energy Charge. Add to that of course the take for the State of Maine which is \$65 sales tax. I see some people grinning who are disbelievers. We heard that if the general public elects PUC Commissioners then they will not be able to judge on the qualifications nor the experience of the individual. In our Committee when we heard the Public Hearing we asked specific questions on what they would do for rates and that sort of thing and the answer was from one of the Commissioners "We rely on staff". Well anyone can rely on staff.

Qualifications, we have a new appointee who is probably very brilliant, his background includes acting Chief of the Attorney General's civil rights division for one year, and I'm quoting from a newspaper article that appeared in my city yesterday, involved in consumer issues particularly mobile home park tenants and rent to own industry. The other Commissioner, and I'm talking of qualifications now, these are all qualified people I'm sure, Director of Financial Planning for a small business development group and for a television station in New York. The other gentleman who was a Director or the President of the greater Portland Chamber of Commerce was a lobbyist for the city of Detroit in Washington, worked for an economic development council and the Michigan lottery. These are all wonderful qualifications I suppose but I submit to you Ladies and Gentlemen of this Senate that there are many people in this State who could run for the PUC post and serve the people of our State well. They might be a little bit more in tune with what the residential homeowner is paying for electricity and if you're like me you must have heard a lot of phone calls in the recent months about the high costs of electricity. Now I'm not known, as you very well know, as a person with a liberal philosophy, I certainly believe in profit making ventures and free trade but I also believe that there are ways of addressing this issue of power without going into public power by the way. I think that the people of this State, if you feel the people you represent are satisfied with things as they are then maybe we should keep the status quo which equals higher and higher rates and if not, we might be able to give a chance to the people of our State to have a voice in how the decisions are determined that will impact their own personal rates every month so I would ask

that you would seriously consider voting for the Minority Ought to Pass Report. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to my good friend and colleague, Senator Cleveland from Androscoggin, what is it going to do, what does it hope to achieve? It's going to put power in the hands of the people, it hopes to achieve democracy. It is exactly the way we run for office, it is exactly the way every one of us is elected. We will soon be debating here whether or not we are going to elect other state people like the Attorney General perhaps, they will have to run for office too. Running for office is not a terrible thing to do, it gives the people a voice. It's true that in 1981 we had a referendum and the utility companies spent a fortune defeating it but from that referendum we got a Public Advocate. What is so terrible about letting the people decide again, 12 years have gone by since 1981. In August of 1988 CMP asked for and received \$12.5 million in increases, in August of 1989 they received \$45 million more in increases, January of 1990 \$20 million in increases, August of 1990 \$52.5 million in increases, January of 1991 \$26.5 million in increases, March of 1991 \$24.7 million in increases, August of 1991 \$49.7 million in increases. Last winter did your phones ring off the hook? Because with the 8% that they gave to the industrials, and they were revenue neutral, we picked up that 8%. After they tacked on to time of use, after they tacked on the change that comes with the seasons, for many people they saw a 50% rate increase in mid-bill. When you talk to people they don't want to hear from the virtuosos of how rates are set. They cannot pay their bills. Today you have on your desk a chance to answer your constituents, to say yes we know you are hurting and we're going to let you decide. It is democracy, it is a really good idea. Mr. President when the vote is taken I request the yeas and nays. Thank you.

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

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Under this motion we would all have the opportunity to run for the Commissioner of the PUC. I have spent close to five years as a Committee of Utilities and I don't feel qualified to be a Commissioner of the PUC. Even with experience it takes an awful lot of super intelligence to understand all these different rates and how to implement them and understand the pros and cons in rate setting. It would be a nice job, it pays well, it would be very difficult and it is difficult. I think what I would like to try to get at a little bit more is the Commissioners of the PUC aren't the ones that fault for your high rates. If you want to point a finger at somebody who is really at fault for high rates it would be the laws that the Legislature of the State of Maine have passed that the Commissioner's of the PUC have to go by. They're not making up rules, they're implementing laws that we have already passed. There are a lot of Bills in the hopper right now that will make things easier for them to work on rates, to lower rates. When the vote is taken I hope you vote against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I certainly can concur with my fellow Senators about the high rates. We have been inundated by complaints of the high rates and they have asked us what are we going to do about them. Well, in answer to the question that was raised of when, I can assure you there are four Bills presently addressed to that issue in our Committee. We intend to work the Bills together in hopes to give some rate relief to the good people of the State of Maine. It's extremely important that we do so and we're going to try. This Bill is not the answer. I don't know of any qualifications that are listed in this Bill for people who are going to run for this office and it certainly is an office that demands qualifications. Those members of the Commission now, those Commissioners are also scrutinized by the Governor's staff, by our own staff, by the Committee and by this Senate. They have to run the gauntlet before they become a Commissioner. When they run for election there is no qualifications there, anybody could run. Once again we have voted once before on this issue in this State and it was 62% opposed and 38% in favor. This Bill is not the answer, I repeat, let us go about our business in the Utilities Committee, let us do the best we can for the good people of the State of Maine and I hope you do not support the Ought to Pass Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Butland.

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge that you vote against the pending motion. I would however like to thank Senator Luther for focusing our attention on this problem and also for raising my level of understanding and knowledge of the workings of the PUC. I believe that we're all aware of the hardships caused by the fluctuating utility costs but this L.D. is not the solution. Anyone who has ever served on the Utilities Committee or sat through a rate hike hearing knows that the work of the PUC is extremely technical. Popular election of Commission members would in no way guarantee that capable people would be dealing with these complex matters. I can hear the campaign promises now, read my lips no new rate hikes, or I pledge that there will not be a middle class rate hike. My chief concern, however, is that because of the nature of politics, popular election would preclude long term planning that is so necessary for us to realize a stable electric rate. As we all know and are painfully aware, politics tends to deal with immediate problems at the risk and expense of the long term vision. The cry for the popular election of PUC members results from the public's frustration with escalating cost of electricity and for some there is a feeling of helplessness and a lack of public input into this process. We need to realize, and Senator Vose has outlined some of the input, the popularly elected Governor nominates a candidate who goes before the Utilities Committee, ten House members and three Senate members who are all popularly elected, final confirmation comes in the Senate. The thirty five Senate members, popularly elected, represent every citizen in the State of Maine. Once that candidate is elevated to full membership on the Commission the public scrutiny doesn't end. All of the rate cases are open to the public and interested parties can intervene. Increasingly, that cost of intervention is being picked up by the Utilities.

Somebody also mentioned, I guess it was Senator Luther, that as a result of the 1981 vote we have a Public Advocate. The Public Advocate also watches over the PUC and he or she operates in the public's best interest. I think there is adequate opportunity for public input. I'm not happy with my electric bill, I'm not happy with the electric bills that my constituents pay. Do I think that L.D. 57 is going to solve this? No I don't. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

A vote of Yes will be in favor of **ACCEPTANCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, CONLEY, HANDY, LUTHER

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

ABSENT: Senators None

4 Senators having voted in the affirmative and 31 Senators having voted in the negative, with No Senators being absent, the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report, **ACCEPTED**.

Sent down for concurrence.

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT**:

Bill "An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government"

H.P. 845 L.D. 1150

(In Senate, April 5, 1993 **REFERRED** to the Committee on **STATE & LOCAL GOVERNMENT** and **ORDERED PRINTED**, in concurrence.)

On further motion by same Senator, referred to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Protect Reproductive Privacy in Maine" (Governor's Bill)

S.P. 117 L.D. 318

Tabled - April 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**

(In Senate, April 1, 1993, **READ A SECOND TIME**.)

Which was **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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

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

COMMUNICATIONS

The Following Communication:

MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333

APPORTIONMENT COMMISSION

April 1, 1993

Joy O'Brien
Secretary of the Senate
116th Maine Legislature
State House Station 3
Augusta, Maine 04333

Dear Secretary O'Brien,

In accordance with the requirements of the Constitution of Maine, Article 4, pt. 2, Sec. 2, I am honored to present the enclosed "Report to the 116th Maine State Legislature of the Maine Apportionment

Commission," which was prepared and adopted by the Apportionment Commission.

Sincerely,

S/Justice Jack O. Smith, Retired
Chairman, Apportionment Commission

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No 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 Bridget Healy, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

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

NOMINATION - of Bridget Healy of Freeport for appointment to the Maine Technical College System Board of Trustees.

Tabled - April 5, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 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 Bridget Healy of Freeport 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, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

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

NOMINATION - of Richard P. Bentzel of Fairfield for reappointment to the Sludge & Residuals Utilization Research Foundation.

Tabled - April 5, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 5, 1993, Communication from the Committee on **ENERGY & NATURAL RESOURCES READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Richard P. Bentzel of Fairfield be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources 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, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No 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 Richard P. Bentzel, was **CONFIRMED**.

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No 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 Franklin P. Eggert, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Secretary has so informed the Speaker of the House.

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

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

NOMINATION - of Franklin P. Eggert of Verona Island for reappointment to the Sludge & Residuals Utilization Research Foundation.

NOMINATION - of Rodney L. McCormick of Hallowell for appointment to the Sludge & Residuals Utilization Research Foundation.

Tabled - April 5, 1993, by Senator **ESTY** of Cumberland.

Tabled - April 5, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

Pending - **CONSIDERATION**

(In Senate, April 5, 1993, Communication from the Committee on **ENERGY & NATURAL RESOURCES READ** and **ORDERED PLACED ON FILE.**)

(In Senate, April 5, 1993, Communication from the Committee on **ENERGY & NATURAL RESOURCES READ** and **ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Franklin P. Eggert of Verona Island be confirmed.

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Rodney L. McCormick of Hallowell be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources 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.

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 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.

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

Is the Senate ready for the question?

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

The Secretary will call the Roll.

ROLL CALL

ROLL CALL

YEAS: Senators None

YEAS: Senators None

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

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No 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 Rodney L. McCormick, 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 Gene L. Brown of Durham for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Tabled - April 5, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 1, 1993, Communication from the Committee on **FISHERIES & WILDLIFE READ and ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Fisheries and Wildlife has recommended the nomination of Gene L. Brown of Durham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Fisheries and Wildlife 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, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senator CARPENTER

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 Gene L. Brown, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. A couple of years ago I had the honor of announcing to my Committee that I was a member of and Senator Brannigan was the Chair of, the impending marriage of a Representative from Mattawamkeag, Representative Mary Cahill to our Senator Gerard P. Conley, Jr. of Portland. I have sought and have been given permission to inform this august body that one of my best friends, Mary Cahill Conley and her husband, Senator Conley, will be contributing to the population growth of Portland later this year. Thank you.

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

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

Off Record Remarks

On motion by Senator **MCCORMICK** of Kennebec, **ADJOURNED** until Tuesday, April 6, 1993, at 10:00 in the morning.