

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
April 8, 1993

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

Prayer by Pastor Glenn Swope of the High Street Congregational Church in Auburn.

PASTOR GLENN SWOPE: Let us pray. Oh mighty God who has placed into our hands blessings, crises, and opportunity, be with those of us who are called to be leaders of the people and be with us all as we are citizens of this State which we love that together we might be creators of a society which meets the needs of its people, even the least of them. Give us the courage to make bold decisions, meaningful sacrifices, thoughtful judgements and compassionate enactments. Remind us all, citizens, legislators and administrators, that the judgements and decisions which will satisfy your divine purposes need to be made in cooperation and peaceful negotiations. Recommit us to our vigilance of the democratic process, the sacred process by which we govern ourselves. Bless all those who struggle under this majestic dome and who give their time and their energies and their emotions to their tasks. Give them wisdom, courage and insight. In these honored chambers and in these disparate times grant them peace. Amen.

Reading of the Journal of Tuesday, April 6, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Resolve, to Establish the Academy for Public Service Study Committee
H.P. 874 L.D. 1188

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 Establish a State Trauma Care System"
H.P. 875 L.D. 1189

Bill "An Act to Increase the Availability of Funding for Health Care"
H.P. 879 L.D. 1193

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

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

RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution
H.P. 873 L.D. 1187

Bill "An Act to Amend the Requirements for Hearing and Public Notice in the Adoption and Amendment of Zoning Ordinances"
H.P. 881 L.D. 1195

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Members in the House of Representatives and Create a Unicameral Legislature
H.P. 882 L.D. 1196

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.

Resolve, Creating the Maine State 175th Anniversary Commemoration Commission
H.P. 877 L.D. 1191

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

Comes from the House referred to the Committee on **STATE & LOCAL GOVERNMENT**.

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

COMMUNICATIONS

The Following Communication:

Bill "An Act to Improve the Administration of the Poverty Abatement Process for Payment of Real Property Taxes"

H.P. 876 L.D. 1190

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

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

Bill "An Act to Provide Funding for Response to Spills of Hazardous Materials"

H.P. 878 L.D. 1192

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
COMMISSION TO STUDY THE FUTURE OF MAINE'S COURTS**

The **COMMISSION TO STUDY THE FUTURE OF MAINE'S COURTS**, pursuant to Public Law 1989, chapter 891, Part B, section 6, as amended, ask leave to submit its findings and to report that the accompanying **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Repealing the Requirement of Grand Jury Review for Noncapital Crimes

H.P. 880 L.D. 1194

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 Resolution referred to the Committee on **JUDICIARY** and **ORDERED PRINTED**, pursuant to Joint Rule 20.

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

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

**STATE OF MAINE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

April 1, 1993

Honorable Dennis L. Dutremble
President of the Senate
Maine State Senate
Augusta, Maine 04333

Dear President Dutremble:

Pursuant to Private & Special Law 1991, chapter 94, "An Act to Study the Establishment of a Statewide Voter Registration File," I am forwarding to the 116th Maine Legislature the final report of the Secretary of State's Central Voter Registry Study Committee. I would be pleased to answer any questions members of the Legislature may have regarding this study.

Sincerely,

S/ Bill Diamond
Secretary of State

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

The Following Communication:

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

April 5, 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 Judiciary has had under consideration the nomination of Leigh Ingalls Saufley of Portland, for appointment as a Justice of the Maine Superior Court.

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

YEAS: Sen. 3 Conley of Cumberland, Berube of Androscoggin, Hanley of Oxford

Rep. 8 Cote of Auburn, Farnsworth of Hallowell, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Lipman of Augusta, Plowman of Hampden

NAYS: 0

ABSENT: 2 Rep. Saxl of Bangor, Rep. Ott of York

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Leigh Ingalls Saufley of Portland, for appointment as a Justice of the Maine Superior Court be confirmed.

Signed:

S/Gerard P. Conley, Jr. Senate Chair
S/Constance D. Cote House Chair

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

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

SENATE PAPERS

Bill "An Act to Define the Liability of Gas Utilities and Natural Gas Pipeline Utilities" S.P. 396 L.D. 1227

Presented by Senator **BUTLAND** of Cumberland
Cosponsored by Senator: **CARPENTER** of York,
Representatives: KONTOS of Windham, TAYLOR of Cumberland

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

Sent down for concurrence.

Bill "An Act to Improve Standards for Video Display Terminal Operators" S.P. 393 L.D. 1207

Presented by Senator **BUSTIN** of Kennebec

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

Sent down for concurrence.

Bill "An Act to Promote Enforcement of Laws Pertaining to Alcohol Use by Minors" S.P. 395 L.D. 1226

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senator: **CONLEY** of Cumberland

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

Sent down for concurrence.

Bill "An Act to Increase Fees Charged by Municipal Clerks for Services" S.P. 398 L.D. 1229

Presented by Senator **BEGLEY** of Lincoln

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

Sent down for concurrence.

Bill "An Act to Clarify the Farm and Open Space Tax Law" (Emergency) S.P. 399 L.D. 1230

Presented by Senator **BUTLAND** of Cumberland
Cosponsored by Senators: **PEARSON** of Penobscot, **SUMMERS** of Cumberland, Representatives: COLES of Harpswell, MARSH of West Gardiner, OTT of York, REED of Falmouth, SPEAR of Nobleboro, TARDY of Palmyra, WALKER of Blue Hill

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

Sent down for concurrence.

Bill "An Act to Allow Public Access to Information Concerning Expenditures of Highway Funds for Acquisition of Private Property" S.P. 394 L.D. 1225

Presented by Senator **BRANNIGAN** of Cumberland

Bill "An Act to Ensure Access to Land Located on Discontinued Roads" S.P. 397 L.D. 1228

Presented by Senator **FOSTER** of Hancock

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

Sent down for concurrence.

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

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

On motion by Senator **CAHILL** of Sagadahoc, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

COMMITTEE REPORTS

House

Divided Report

Six Members of the Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose" H.P. 317 L.D. 405

Report in Report **A** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Signed:

Senator:
LUTHER of Oxford

Representatives:
FARREN of Cherryfield
GREENLAW of Standish
HEINO of Boothbay
JACQUES of Waterville
LARRIVEE of Gorham

Six Members of the Same Committee on the same subject report in Report **B** that the same **Ought Not to Pass**.

Signed:

Senator:
HALL of Piscataquis

Representatives:
CLARK of Millinocket
NICKERSON of Turner
ROTONDI of Athens
SWAZEY of Bucksport
TRACY of Rome

Comes from the House the Report "**A**" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

Which Reports were **READ**.

Report "**A**" **OUGHT TO PASS AS AMENDED ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "**A**" (H-100) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **FISHERIES & WILDLIFE** on Bill "An Act Regarding Bow Hunting" H.P. 382 L.D. 495

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

Signed:

Senator:
LUTHER of Oxford

Representatives:
CLARK of Millinocket
FARREN of Cherryfield
HEINO of Boothbay
JACQUES of Waterville
LARRIVEE of Gorham
NICKERSON of Turner
SWAZEY of Bucksport
TRACY of Rome

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-85)**.

Signed:

Senator:
HALL of Piscataquis

Representative:
ROTONDI of Athens

Comes from the House with the Reports **READ** and the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Ensure a Woman's Right to Know" H.P. 604 L.D. 819

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

Signed:

Senators:

CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:

CATHCART of Orono
CARON of Biddeford
LIPMAN of Augusta
OTT of York
KETTERER of Madison
SAXL of Bangor
FARNSWORTH of Hallowell
FAIRCLOTH of Bangor
COTE of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Signed:

Senator:

HANLEY of Oxford

Representative:

PLOWMAN of Hampden

Comes from the House with the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

Senator **HANLEY** of Oxford moved that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do not intend to take a lot of time to debate this issue. In reference to the Minority Report, I have taken some time to explain this Report in chambers, in reference to our Democratic caucus. This amendment, as prepared by the good Senator from Oxford, Senator Hanley and another member of our Committee, essentially replaces the original Bill which was brought into the Committee. What this Bill does now in the Report, as signed out by the Minority of the Committee, would place a burden on the Department of Human Services to get an extensive amount of information, from the Majority's viewpoint, to a woman by the physician in the physician-patient relationship when a woman comes into a doctor's

office to discuss with the doctor the possibility of receiving an abortion. Basically the Majority of the Committee felt that this was an attempt to intrude into that very basic relationship between a doctor and patient. We felt that it was inappropriate for the Department of Human Services to be saddled with the responsibility to produce this information, in fact it would cost the State money to have this information produced. We also felt that in reference to 318 it had already been made clear what the intent of this chamber would be in reference to what type of information ought to be given to a woman by a doctor at the woman's request, and that that not be a situation where a doctor would be forced to obtain information from the Department of Human Services, for that information to be outlined as proposed in the Minority Report, and that that be used as some sort of a way to interfere with the woman's right to make her own decision. For all of these reasons we have opposed the thoughts of the Minority of the Committee as contained in the Committee Report and for that reason, Mr. President, I would move that this Report be Indefinitely Postponed.

Senator **CONLEY** of Cumberland moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll just make three points this morning and I, too, will try to be as brief as my good colleague from Cumberland. The first point, and it is my basic philosophy of government, the government should be as unobtrusive in a person's life as practicable. Having said that I believe that the primary goal, the primary role and goal of any government is to protect the health and welfare of it's citizens, all of its citizens. Physical health as well as mental health. That is why two of us in the Committee voted out a Minority Report. We felt that it was important in the decision-making process, going through the deliberations before having an abortion, that certain information be made available to the woman. I think it's very important, men and women of the Senate, that you take a look at the amendment and exactly what the amendment does. A lot of these go flying through this chamber as well as the other chamber with people not really having an opportunity to fully review exactly what is included in the amendment. I have to admit that I can't take very much credit for the drafting of this amendment at all, in fact it was drafted, almost exclusively, by the other signer from the Committee who is a female Representative from Hampden, who is in the other body. In speaking with her we felt that it was important to get her perspective as far as what type of information would she like to have available to her. It's important, if you take a look at the amendment, in section 3 of the amendment regarding information about abortion it says, if the pregnant woman has determined that she will not have an abortion she may refuse the provision of information about abortion. That's in sub B. Sub C, in alternatives to abortion it states, a pregnant woman may refuse a provision of this information about alternatives to abortion. Nowhere in this amendment does it require a woman to have this information provided to her if she decides that she does not want this information so be it. The doctor client privilege, however they want to work it, will remain intact. The woman has to make a conscious decision that she doesn't want this information.

One of the key components of this amendment, I believe, was drawn from our decisions we made as far as HIV testing. This body as well as the other in the past sessions have determined that in HIV testing it was important to have counseling prior to the test and then after the test, for very valid reasons. This would require similar counseling as far as in the area of abortion at the time the pregnancy test is administered and then after a positive result has been put forth. That's what this amendment does. It is a choice and we have debated this in our own caucus, as far as it's a choice on where you're going to come down on this issue. Do you feel that more information, as much information should be provided to the woman as possible, giving the woman the out to say no I don't want this information, but making the information available. My good friend from Cumberland also pointed out that he didn't want to put this burden on the Department of Human Services as far as having to come up with all of this information. I guess I would argue with my good friend that it might be worthwhile for the Department to actually get a handle on all of the programs that it has out there and maybe put a rope around this Department. I think it may be a smart move regardless of whether this chamber passes this amendment to require the Department of Human Services to see exactly what kind of services they have out there for women, and to have that compiled in a responsible fashion.

Having said that and probably having said more than needs to be said I'll sit down but I hope that you will vote against the Indefinite Postponement so that you can accept the very reasonable Minority Ought to Pass as Amended Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just very briefly I would hope that you would accept the motion to Indefinitely Postpone this piece of legislation. From a woman's perspective I would like to share with you my objections to the Bill. As an adult woman if I make a decision which has been guaranteed to me, and it is a very difficult decision to have an abortion, then I don't believe I should, as an adult, be mandated to have counseling. I have some sympathy in the area of a pregnant minor if she is to have an abortion, I think that is clarified and is recommended under our current law, under the adult supervision portion of the legislation. As an adult, if I make, at 39 years old, a decision to have an abortion, I don't think I should be mandated to have counseling and that's what this amendment does. 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. I just want to respectfully disagree with my good Minority Floor Leader. This is not mandated. If the woman at the time the information is provided, as far as alternatives to abortion, the woman can say no I don't want that information I've already made my mind up. That's it. This does not require, it is very specifically spelled out in the amendment that if the woman does not choose to have this information then such information will not be provided to her. I think that's a very critical part of this amendment. Thank you.

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

The Chair ordered a Division.

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.

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **CONLEY** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Ensure a Parent's Right to Know" H.P. 605 L.D. 820

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

Signed:

Senators:
CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:
CARON of Biddeford
CATHCART of Orono
LIPMAN of Augusta
OTT of York
KETTERER of Madison
SAXL of Bangor
FARNSWORTH of Hallowell
FAIRCLOTH of Bangor
COTE of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Signed:

Senator:
HANLEY of Oxford

Representative:
PLOWMAN of Hampden

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Which Reports were **READ**.

On motion by Senator **CONLEY** of Cumberland the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

On motion by Senator **HANLEY** of Oxford, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For the reconsideration I guess I was expecting the good Senator from Cumberland to speak as he is known and I was waiting in deference to him. To get to the heart of the matter this is another Minority Report on L.D. 820. Basically it has to do with parental consent. Those of you who have served in this chamber or the other chamber before this is an issue that has been hotly debated in years past and probably will continue to be hotly debated in the years to come. If you were to vote against the pending motion and accept the Minority Ought to Pass Report you would have the ability to send this issue out to a citizen's advisory referendum to let the people of the State of Maine speak to the issue of whether or not they want to have at least one parent notified if a minor is going to have an abortion. I feel very strongly on this issue regarding whether or not a parent should be involved in such an important decision for a minor. I believe that State Government is driving an increasingly larger wedge between the families, as far as separating the role of families and the importance of families in our society. Some disagree with that. I guess it's my belief that instead of having 186 policy makers rule on this we should have all of the people across the State rule on this issue. Speaking for myself, I have been contacted by many, many constituents who feel very strongly that they as parents want to be considered in this decision making process. Having said that there are, as always, safety valves for those situations where parental consent would not be feasible. Having said that I hope that you would vote against the pending motion and accept the Minority Ought to Pass Report. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to "An Act to Ensure a Parent's Right to Know" I would like members of this body to become aware of the fact that this Legislature a few years ago spent a long time crafting a parental consent Bill that is now being used as a model across this country so that adolescents who happen to get pregnant have appropriate avenues through which to go in order to obtain an abortion if necessary. It was dealt with at length here and I believe the law is actually working. If it wasn't it wouldn't be used by so many other states by way of being adopted. The good Senator from Oxford has described what he and one other member of the Committee thought might be an interesting alternative to that which is to go out, not by referendum, to ask the people of this State to do one thing or another, but to seek their advice on what we should do here as a legislature. The very fact of going out and getting their opinion would not even be binding on us. We could be right back here again to address this very issue. I think we have a law that is working. I think this is an incredible waste of money to put this type of question out to an advisory opinion from the people and if we wanted to follow this line of reasoning we could just set up a little telepole so we could get people's opinions on this issue as well as other issues. I feel like I've been sent here by my 35,000 constituents to make the important decisions which they have sent me up here to make. I don't think it makes any sense to go out and ask them for their advice on this issue or any

other issue for that matter. For those reasons I think it is ill advised to go to an advisory referendum on this question and I would ask that you accept the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CONLEY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

The Chair ordered a Division.

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.

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion by Senator **CONLEY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **AGRICULTURE** on Bill "An Act to Increase the Penalty for Abuse of Animals"

S.P. 82 L.D. 195

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

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-56) **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 to Amend the Laws Exempting Aseptic Packaging of Milk Substitutes"

H.P. 544 L.D. 740

Bill "An Act to Eliminate the Bureau of Public Administration"

H.P. 601 L.D. 816

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

House As Amended

Bill "An Act to Change the Manner in Which Debt Service on Jail Facility Bonds Is Repaid to Counties"
H.P. 43 L.D. 59
(H "A" H-106)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks
H.P. 176 L.D. 228
(C "A" H-92)

Bill "An Act to Prohibit Conflicts of Interest for Consultants Hired by the State"
H.P. 223 L.D. 291
(C "A" H-93)

Bill "An Act to Amend the Hunting Laws"
H.P. 228 L.D. 296
(C "A" H-99)

Bill "An Act to Change the Definition of Beverage Container for the Purposes of Recycling"
H.P. 306 L.D. 394
(C "A" H-96)

Bill "An Act to Reaffirm the Prohibition of Spaghetti-lots"
H.P. 467 L.D. 604
(C "A" H-95)

Bill "An Act to Promote Safety of School Buses"
H.P. 493 L.D. 651
(C "A" H-94)

Bill "An Act to Amend the Laws Governing the Dimming of Lights When Following Vehicles"
H.P. 498 L.D. 656
(C "A" H-87)

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

Senate

Bill "An Act to Discontinue Legislative Approval of Technical College Collective Bargaining Agreements"
S.P. 93 L.D. 247

Bill "An Act Concerning the Degree-granting Authority of Husson College"
S.P. 161 L.D. 526

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

Sent down for concurrence.

ENACTORS

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

An Act to Regulate the Safety of Off-system Railroads
H.P. 445 L.D. 571
(C "A" H-74)

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 Concerning Maine Wineries and Microbreweries
H.P. 190 L.D. 253
(C "A" H-69)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 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:

JOINT ORDER - relating to Amending the Joint Rules to limit the terms of Legislative Leadership to 3 consecutive terms

S.P. 392

Tabled - April 6, 1993, by Senator **BUSTIN** of Kennebec

Pending - **PASSAGE**

(In Senate, April 6, 1993, **READ**.)

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

Senator **BERUBE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to mention that this issue has come before the State and Local Government Committee and we have approximately very close to thirty Bills that deal with this issue overall. In view of that fact we are holding some of the Bills to have a one day hearing on all of them and maybe perhaps this could be Tabled until the results of the other Bills come out. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled Unassigned, pending **PASSAGE**.

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 6, 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)**.)

Which Report as **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-78) **READ** and **ADOPTED**, in concurrence.

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

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 to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor"

S.P. 104 L.D. 282

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-55)**

Minority - **Ought Not to Pass**

Tabled - April 6, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, April 6, 1993, Reports **READ**.)

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

Senator **BERUBE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The Bill is no longer before us but it is the amendment which is before us and all it does is make the fifteen Commissioner's terms coterminous with the term of the Governor. If the Governor is re-elected for another four years to complete a two term Governorship then those Commissioner's names would be reposted and go through the confirmation process. That's all it does. This would start, I believe, in 1995. 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 hope that you would vote against the pending motion. I have some serious reservations as to the amendment to L.D. 282. I believe that it clearly represents undue interference with the separation of powers clause in our constitution. There is a fine line between appropriate oversight and micromanaging and I believe that this L.D. crosses that line. These fifteen Commissioners serve at the pleasure of the Governor and should be allowed to do so as long as they retain the full confidence and faith of that Governor. The Governor is responsible for their performance and should be held accountable for that performance. In this State the buck stops on the second floor. If the people in the State of Maine re-elect a sitting Governor I feel that it should be interpreted as a vote of confidence for the Governor's policy and policy makers. We should not be in the business of second guessing the wisdom of the voters of the State of Maine, to do this would be very presumptuous on our part. The purpose of this proposed legislation is to improve and increase communications between the Legislature and the Executive branch. Quite frankly I'm amazed at the amount of interaction that exists between the Commissioners and the Legislature now and I think that with the involvement of the Committees of jurisdiction in the budgeting process that we are seeing an even greater interaction. Furthermore, I don't think that there is any Commissioner around who would refuse the invitation of any of the Committees of jurisdiction to come and discuss matters that they deem to be important. It would be very detrimental to their programs in the future. I can see a real potential for abuse with L.D. 282, a real potential for political witch hunts. I think that is something that we need to guard against assiduously. Let me end by saying that oversight is a very important function of the Legislature and I believe that there is sufficient opportunity for that oversight under the present system. I would request a Division and urge that you vote against the pending motion.

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

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Carey.

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. There may not be too many of you who were here when this was originally

brought forth and passed in the Legislature back in 1970. I was one of those who was involved in this matter becoming law. I would like to point out to you Senator Butland said this may be micromanaging and that people are electing the Governor, and he is exactly right, they are electing a Governor they are not electing Department Heads. It was the original intent of this Bill that if, in fact, a Governor appointed somebody, were he or she successful in getting re-elected, then that Governor would have his Department heads coming back for reconfirmation and reexamination by the people's choices in the Senate and in the House, obviously now it's the Committees who would review it, but it's the Senate which does the confirmation. That was the original intent of this thing. The whole process was interrupted by members of my own political party. When Joe Brennan was Governor he asked for an opinion from the then Attorney General James Tierney about the reappointment of the Commissioners and he got a very friendly opinion that he didn't really have to reappoint these people, that that was never really the Legislature's intent. Unfortunately he never really read what the Legislature's intent was. So when Governor McKernan got re-elected the process continued. It is not fair to those of us who sit in this Senate that we cannot review. I think we are much closer to the people that we serve than the Governor who obviously serves the entire State. It is our total responsibility to see that the Departments are operated as they should be. This Bill comes at a time when it will not affect Governor McKernan, he cannot seek re-election. It comes at a time when we can, in fact, lay the ground rules down for whoever receives a nomination from an incoming Governor that, after four years, their work will be reviewed by the appropriate Committee and they will need reconfirmation by this Senate. That's why this Bill is here now, it does not affect the sitting Governor, but those people who would come afterwards should be made aware that their performance will be judged after four years. That's why I would hope that the Committee Report is accepted. Thank you.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the Majority **UGHT TO PASS AS AMENDED** Report.

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.

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

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

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

Emergency

An Act to Preserve the Public Advocate's Participation in Residual Market Deficit Proceedings at the Bureau of Insurance

H.P. 50 L.D. 66
(C "A" H-31)

Tabled - April 6, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, March 25, 1993, **PASSED TO BE ENACTED**.)

(In Senate, March 13, 1993, **FAILED ENACTMENT in NON-CONCURRENCE**.)

(In House, April 5, 1993, **ADHERED**.)

Senator **ESTY** of Cumberland moved that the Senate **RECEDE** and **CONCUR**.

This being an Emergency Measure and having received the affirmative vote of 21 Members of the Senate, with 14 Senators having voted in the negative, and 21 being less than two-thirds of the entire elected Membership of the Senate, the motion of Senator **ESTY** of Cumberland to **RECEDE** and **CONCUR FAILED**.

The Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

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 that Dogs Be Leashed"
H.P. 895 L.D. 1210

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

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

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Landfill Closure and Remediation and to Provide Grants to Municipalities for the Purchase of Recycling Equipment"

H.P. 908 L.D. 1223

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

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

Bill "An Act to Provide More Affordable Health Insurance and Community Rating for Individuals"
H.P. 892 L.D. 1206

Comes from the House referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Laws Concerning Dam Registration Fees"
H.P. 902 L.D. 1217

Bill "An Act Related to Unavoidable Equipment Malfunctions"
H.P. 903 L.D. 1218

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 Concerning Habitual Offenders under the Fish and Wildlife Laws"
H.P. 896 L.D. 1211

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.

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 Laws Regarding Home Baby-sitting Services and to Provide Rules for Licensing Fees for Day Care Facilities, Nursery Schools and Home Baby-sitting Services"
H.P. 890 L.D. 1204

Resolve, to Establish the Commission to Examine Alternatives to Maine's Welfare System and to Make Recommendations Concerning Its Replacement (Emergency)
H.P. 891 L.D. 1205

Bill "An Act Concerning Certain Counseling Services"
H.P. 906 L.D. 1221

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

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

Bill "An Act Concerning Unemployment Benefits for Certain School Employees"
H.P. 886 L.D. 1200

Bill "An Act Regarding Veterans' Disabilities under the Workers' Compensation System"
H.P. 894 L.D. 1209

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.

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 Laws Governing Elections and Nominations by Political Parties"
H.P. 884 L.D. 1198

Bill "An Act to Treat Minors Equitably under the Operating-under-the-influence Laws"
H.P. 887 L.D. 1201

Bill "An Act Concerning the Tallying and Challenging of Absentee Votes"
H.P. 888 L.D. 1202

Bill "An Act to Regulate the Use of Aircraft for Surveillance Purposes by Law Enforcement Agencies"
H.P. 889 L.D. 1203

Bill "An Act Concerning Limits on Security Deposits"
H.P. 898 L.D. 1213

Bill "An Act Concerning Repairs Performed by Rental Tenants"
H.P. 900 L.D. 1215

Bill "An Act Requiring Interest Earned on Security Deposits to Be Returned to Tenants"
H.P. 905 L.D. 1220

Bill "An Act Concerning the Location and Licensure of Agency Liquor Stores" (Emergency)
H.P. 909 L.D. 1224

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 Provide Fair and Equitable Access to Marine Shellfish"
H.P. 904 L.D. 1219

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 Require the Bureau of the Budget to Monitor Federal Legislation to Determine the Cost of Implementing Legislation at Local and State Levels"
H.P. 897 L.D. 1212

Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area"
H.P. 899 L.D. 1214

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 Redefine Nonprofit Status in the Sales and Use Tax Law"
H.P. 885 L.D. 1199

Bill "An Act to Allow Municipalities to Abate or Defer Property Tax Assessments for the Purpose of Attracting or Retaining Industry or Business"
H.P. 893 L.D. 1208

Bill "An Act to Amend the Maine Tree Growth Tax Law"
H.P. 907 L.D. 1222

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

Resolve, to Name the So-called "Covered Bridge", No. 2189, Spanning the Aroostook River, in Presque Isle on Route 1, the Harold N. Flagg Memorial Bridge
H.P. 901 L.D. 1216

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.

ORDERS OF THE DAY

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

NOMINATION - of Leigh Ingalls Saufley of Portland
 for appointment as a Justice of the Maine Superior
 Court.

Tabled - April 8, 1993, by Senator **ESTY** of
 Cumberland.

Pending - **CONSIDERATION**

(In Senate, April 8, 1993, Communication from the
 Committee on **JUDICIARY READ** and **ORDERED PLACED ON
 FILE.**)

THE PRESIDENT: The Joint Standing Committee on
 Judiciary has recommended the nomination of Leigh
 Ingalls Saufley of Portland be confirmed.

The pending question before the Senate is:
 "Shall the recommendation of the Committee on
 Judiciary 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

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 Leigh Ingalls
 Saufley, 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:

House Reports - from the Committee on **FISHERIES
 & WILDLIFE** on Bill "An Act Regarding Bow Hunting"
 H.P. 382 L.D. 495

Majority - **OUGHT NOT TO PASS**

Minority - **OUGHT TO PASS AS AMENDED BY COMMITTEE
 AMENDMENT "A" (H-85).**

Tabled - April 8, 1993, by Senator **ESTY** of
 Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, April 8, 1993, Reports **READ.**)

(In House, April 6, 1993, Bill and Accompanying
 Papers **INDEFINITELY POSTPONED.**)

Senator **LUTHER** of Oxford moved that the Senate
ACCEPT the Majority **OUGHT NOT TO PASS** Report.

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

Senator **LUTHER:** Thank you Mr. President,
 Ladies and Gentlemen of the Senate. This Bill came
 to us and what it would do is allow a bow hunter who
 was successful in getting a deer to also go out and
 get another deer with a gun. The Department came
 down and spoke quite forcefully against this. Acting
 Commissioner, Norm Trask, was opposed to it. He said
 that while initially it might not hurt the resource
 eventually it certainly would. We have other hunters
 in the State who have muzzle loading guns, this is a
 door that would be opening for them to come in and
 want an extra deer too. What decided this for me
 quite definitely was Commissioner Trask was asked
 that after a deer was shot and the arrow is removed
 can you tell whether the deer was shot with an arrow
 or a gun and he said no, not really. So I just feel
 that we would have a lot of people with guns become
 bow hunters, this is not a good idea. It's been
 before the Committee before and I would ask you to
 please support the Majority Ought Not to Pass
 Report. Thank you.

THE PRESIDENT: The Chair recognizes the
 Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies
 and Gentlemen of the Senate. I've had a little
 experience dealing with telling whether a deer has
 been shot with a bow or a firearm. As a matter of
 fact I have even instructed part of that very thing,
 I learned it actually from a New Hampshire Warden in

a training session, and passed it along to the Wardens in Massachusetts. I assure you that if you bring me a deer that I can tell you whether it's been shot, by observing it, either with an arrow or a gun. I can show you whether that deer was shot with an arrow after the deer was dead. This Bill, I had a constituent that was out of work, definitely not a wealthy individual, but a hunter. He went around the State with petitions and single handedly gathered 2,073 signatures. There is a Bow Hunters Association in the State of Maine, he did not contact them. As a matter of fact they told me later that had they been aware of it they probably would have had 10,000 signatures. There has been comments in the hearing that it is a special interest group, the archery hunters of Maine. I'd like to remind you that many of the archery hunters, if not successful and most of them aren't, they also hunt with firearms during the firearms season. A week ago there was put on your desk some statements of fact of other states in New England to their deer population and to how many bow hunters they have and how many deer they are allowed. I hope that you all looked at that. Maine has more deer than any other state. We have only approximately 10,000 archery licenses sold but we only allow one deer where some of the states allow many more.

I went in and picked up some statistics. In 1987 there was only 294 deer killed with a bow and arrow in this state. In 1988 there was 302, 1989 there was 416, 1990 had 319, 1991 was a record year, we took 500 deer. The sport of archery hunting has grown, there are many, many more archery hunters out in our State today. I propose that if this passes today that Monday when it comes in for a second reading I will put an amendment on this Bill, to put a sunset. I want this Bill to sunset in two years for this reason, as has already been stated here, the acting Commissioner says that this will not be immediately detrimental to the deer herd, over time we're not sure. I will propose that we try it for two years and see what happens because I would be the last one to support any Bill that would be harmful to the Maine deer herd. This resource is much too valuable to the State but I contend that it will not. Indeed we will have many more people, I've had hundreds of people mention that if I could take two deer I would hunt with a bow. Think of this, if it's not going to be harmful to the deer herd, of all the sales tax revenues that will come in. Archery hunting is not a cheap sport. Some of these people go out and spend up to \$2,000 to \$4,000 for equipment including the bows and the clothing and so on and so forth that goes with this. It's a beautiful time of year to hunt. October is warm, we have not had a problem even though the archery hunter, during October, hunts in camouflage clothing. It's not a big problem as far as the grouse hunters shooting them and so on and so forth. I think it's something that we should try. This Bill has been before you, I know, time and time and time again. There has to be a reason why it continues to come in here.

The archery hunter is not successful, as I've told you the highest year we've had is 500 and that's out of over 10,000 licenses sold. It's not going to have a great impact and I hope that you think carefully before accepting the Ought Not to Pass Report. Thank you.

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

Senator AMERO: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just would like to relate to you an experience that we had in the town of Cape Elizabeth two or three years ago. The town is overrun with deer. We had a real problem and wanted to take some aggressive action to reduce the size of the deer herd. The Town Council decided, with a special dispensation from the State Department, to allow bow hunters to take three deer within a two month hunting period in the town of Cape Elizabeth. We were in hopes that we would reduce the size of our deer herd by at least 100 deer. We screened very carefully the people who were allowed to come in and hunt. They had to have the highest qualifications, they had to pass special tests, etc. At the end of the two month hunting season only 17 deer were taken, even with that special exception that they would have been allowed to take three if they could. I think it is, indeed, a very precise art, bow hunting, and if anybody is concerned and think that we are going to wipe out the deer herd in the State of Maine by allowing more deer to be taken by bow hunters I don't think that is a reality. Thank you.

Senator HALL of Piscataquis requested a Roll Call.

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

Senator PEARSON: Thank you Mr. President, Ladies and Gentlemen of the Senate. Since I've been in the Maine Legislature we have had restrictions placed on the taking of deer in a couple of different ways, the most significant one is, of course, the doe permits. In order to shoot a doe you had to have a permit and it was done on a lottery system or whatever. It would indicate to me, as a matter of fact I know that it's true, that the Department asked for that because the deer population was getting low. If it's getting low I think we ought to wait before we allow people to take two deer, we ought to wait until the Department feels that it's back on its feet enough so that we don't have to have doe permits in order to save the herd. I submit that I don't know anything about Cape Elizabeth but we've had a problem with deer in Old Town too and that's because it's a protected area. You can't shoot in that area and that may have been the case in Cape Elizabeth where a local population had grown so large because there was no hunting. I don't think it's a time to allow people to take two deer in this State in a year when, at the same time, we're trying to cut back all over the State with doe permits. 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. I just want to submit to your consideration that the Department is very well aware of money problems. The last referendum allowed them to keep the money from their fees so if this were a good idea, rather than agree to the cuts that they agreed to they would have jumped on this because they need the money too. When this is a good idea the Department will come and support it. The Department was very much in opposition to this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The Department of Inland Fisheries and Wildlife is always in a very awkward position when they could support something that would increase revenue through the sale of licenses and as well they should be. I don't feel that they should be supporting something that the people might feel that well they're doing that just to raise money. They shouldn't do that, I don't approve of that and was very careful when I was with the Department not to support issues that might be conceived to be for that reason. I'm no longer with that Department now so I seriously do not feel that this will hurt the deer herd. I agree with the any deer permit system. That has salvaged the deer herd in the State of Maine, it is the first time that we have allowed the Department to really actively do something that can regulate the deer herd in this State and that was a tremendous thing to do. It is working, the deer population in certain areas has come back. I can assure you that a bow hunter has to work so hard to kill a deer anyway he is definitely going to hunt in those areas where the deer are the most plentiful. He's not going to go up in the North woods and set there in a tree all day because his chances of seeing a deer up there are pretty nil. I think that you will find that most of your archery hunters are from the southern Maine areas where the deer population is much greater.

Senator **HALL** of Piscataquis requested and received leave of the Senate to withdraw his request for a Roll Call.

Senator **HALL** of Piscataquis requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Webster.

Senator **WEBSTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask the members of this body to support the position taken by the Senator from Piscataquis and allow him to let this Bill be kept alive long enough to put an amendment on. I represent an area very similar to my neighbor, the Piscataquis district, the people in my area of the State think this is a good idea. I just think that we ought to at least take a look at it. One of the things that bothers me is I think that what we ought to be doing is not debating these kinds of issues here, we should be letting the Department decide after we pass the law whether it's harmful to the herd, if it is then we ought to stop it. Obviously if the Senator gets his amendment on then in two years if it has been harmful then the Bill will no longer be a law. Perhaps what we should be doing is allowing the Department to do this if they think it's appropriate rather than having the law. It's frustrating to me and I spoke this morning to a Rotary Club and I think it's frustrating to a lot of people around this capitol that we spend a lot more time on these types of issues than we should. Whether it's the array of issues we have seen in the last week or are going to see next week, now we are dealing with this. It's unfortunate we have thousands of people without jobs and we're worried about whether or not people are going to have bow hunting. I would suggest that the Senator has a good point, he ought to be able to offer an amendment on this Bill and we'll see how much harm it does to the herd. 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 Oxford, Senator Hanley.

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to make two points. The first, and I don't know if any of the members of this chamber are bow hunters, speaking for myself I have not had an archery license but I have a number of friends who are avid bow hunters. One who has been bow hunting for seven years and has yet to get his deer. Maybe you should know a little something about bow hunting as far as the Senator from Piscataquis told you, most bow hunters stay almost exclusively in a tree stand. Any hopes of gaining a deer are limited to basically a forty yard shot unless they're incredibly proficient and even a forty yard shot for a kill in bow hunting is very responsible, as far as not wanting to take any shot that would not be a kill shot. For those of you who have pulled back on a compound bow and have tried to hit a target you understand that it takes a lot of practice and a lot of expertise to gain the proficiency. The second point is I think this chamber should do everything in its power to encourage bow hunting. As far as with all of the accidents that take place with rifles and shotguns in the act of hunting for deer, it's almost impossible for someone who is a bow hunter to either injure themselves or, in looking at only a forty yard span as far as a kill shot, to mistake someone. I think this chamber would be taking a positive action as far as to endorse this, pass this through, pass the Minority Report through and allow the sunset and then let this chamber two years from now revisit this issue. I think it's a very important one for the people of the State, for the section that are bow hunters. Thank you.

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

Senator **SUMMERS**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I really didn't plan on speaking on this today but I have been drawn into the debate. I am a bow hunter and I happen to enjoy the sport a great deal and I think my good friend from Piscataquis, Senator Hall, has made some good points about the time of year, it is a beautiful time of year, and he's also made good points, as has the Senator from Cumberland, Senator Amero, about the difficulty of the sport. I can tell you I've been bow hunting for five years now and maybe this is just a commentary on my skills as a bow hunter but it is a very difficult sport and from our end of the State, and by that I mean the southern end of the State, the deer population is probably the greatest it's been in years and years and there are a number of deer car accidents. There was the situation they had in Cape Elizabeth and again the fact that it is a very difficult sport, I think that we do need to give consideration to what the Senator from Piscataquis said. I think he's put a very cogent argument before this body and certainly, in the spirit of accommodation that we've seen in this body over the last several months which is certainly a great departure from years gone by, I would hope that the members of this body would offer the Senator from Piscataquis the opportunity to bring this matter forward in amendment form and then at that point make their final decision on this matter. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I've been guiding hunters for over thirty years. I will promise you that there are very few deer shot by bow hunters. They seem to be a different breed of hunter. They come to Maine, they spend a lot of money. I would say that I don't know of a bow hunter that came and stayed at the camps where I guide that would get away with spending less than \$1500. Most of them really come for the enjoyable time of year, the season is held in the month of October, it's a far better month than November and I believe everything has risks to it. I believe this has a risk and I believe that it is worth the risk to aid our economy, which really needs a shot in the arm, especially in northern Maine with everything that has happened there, and I would certainly support the opportunity to try what the Senator is recommending as far as the two year provision in the law. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LUTHER** of Oxford to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 **BALDACCI, BRANNIGAN, BUSTIN, CAREY, CLEVELAND, CONLEY, ESTY, HANDY, LUTHER, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, PINGREE, SUMMERS, WEBSTER**

ABSENT: Senators None

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent, the motion of Senator **LUTHER**, of Oxford, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-85) **READ** and **ADOPTED**.

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

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

Off Record Remarks

On motion by Senator **CARPENTER** of York, **RECESSED** until 12:45 this afternoon.

After Recess

Senate called to order by the President.

Off Record Remarks

The President requested the Sergeant-at-Arms escort the Senator from Penobscot, Senator **BALDACCI** to the Rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor of the Senate.

The Senate called to Order by the President Pro Tem.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. With reference to the Joint Resolution memorializing Richard Dutremble I'd like to say a few words. Richard Dutremble is my Uncle and I thought that it would be only fitting if I came down to say a few words about him. A lot of you probably know him already. He had been involved in politics in York County for many years, he is definitely one of the three people why I am where I am today, my mother and my father being two people and Uncle Dick being the third. If it wasn't for him and my father in politics I don't think I would have gone as far as I am now. He has been one of the great reasons why I am here. He and my father made an investment in our area for years and went through the sacrifices and as a result of that I have been able to take advantage of that and I just want to make sure he got the accords that should be granted to him. I guess Henry David Thoreau said it best and I just want to use the same words that he once spoke in memory of my Uncle and those words

were, "Live your life, do your work and take your hat." I think that is exactly what my Uncle Dick did and when we adjourn today, Mr. President, I request that we do so in memory of Dick Dutremble. Thank you.

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

ENACTORS

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

An Act to Protect Reproductive Privacy in Maine (Governor's Bill) S.P. 117 L.D. 318

on motion by Senator **DUTREMBLE** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Dutremble.

Senator **DUTREMBLE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Last time this issue was before us I spoke very clearly about what I thought about this Bill and my feelings really haven't changed. I will be voting for this Bill on Enactment so that there can be no misunderstanding at all anywhere that I have changed my mind and that I have changed my position on this issue. I still don't think that this Bill should be before us. I don't really know if it did anything but create a lot of hardships amongst the two groups again. I think when that can be avoided on this particular issue it should be. I received a lot of calls of this both ways after my vote last time. Those people who called to tell me they were disappointed that I had voted for the Bill, once I explained it to them they were pretty understanding on the fact of why I was where I was and the fact that I was voting against the other two Bills sort of reinforced the idea that I feel that decision should be left up to the individual. I had more difficulty explaining to the people who actually supported the pro-life position when they called and said we thank you for your vote and we thank you that you are still holding to your position, but actually I have not held to my position. I made it clear to the newspapers before I ran for my last election that I had changed my mind and that the decision should be left up to a woman. I want to make it very clear that that is where I am and that's what my position is. Again I want to express the fact that my own personal philosophy on that is no different than many of you who believe that abortion should not be performed, however that is my personal decision and I doubt very much if I'll ever be in a position to get an abortion. I do want you to know that I came to those values by, again, the teachings of my church and the teaching of my family, not by State law and I think if someone is to have those positions it should be by the same method, by the teachings of their particular church, by their own conscience, and by their family and not by State law. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is **ENACTMENT**.

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

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 AMERO, BEGLEY, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CLEVELAND, CONLEY, DUTREMBLE, ESTY, FOSTER, HANDY, HARRIMAN, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, O'DEA, PARADIS, PINGREE, SUMMERS, TITCOMB, VOSE, PRESIDENT PRO TEM - JOHN E. BALDACCI

NAYS: Senators BERUBE, CAREY, GOULD, HALL, HANLEY, KIEFFER, LUTHER, PEARSON, WEBSTER

ABSENT: Senators CIANCHETTE

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to mark a thirtieth anniversary today but before I do I want to reaffirm the words of the Senator from York, Senator Dutremble. One of my first experiences in politics was in the sixth grade when I went down to the Danstar Market in Kittery and there was a man there campaigning for sheriff who gave me a pin in the shape of a sheriff's star and he took the time to talk to me about politics and that was Richard Dutremble. He really was a legend in York County and York County politics and he will be sorely missed.

The thirtieth anniversary of which I stand up to speak on today is it was thirty years ago today the U.S.S. Thresher left the Portsmouth Naval Shipyard in Kittery and disappeared off the coast of Massachusetts about five miles out to sea. You know the Thresher has never been discovered and it carried with it 129 people, 11 of them employees of the Kittery Shipyard. It was perhaps the worst peacetime disaster in Naval history and I recently read a Science and Technology report that said for the first time they believe they have discovered parts of the Thresher scattered over about seven miles of sealand out off Massachusetts, off the edge of the Continental Shelf. I ask this weekend when you go to your churches and you pray on this Easter weekend

that you keep in mind those 118 sailors who died on the U.S.S. Thresher thirty years ago today and the 11 civilians from the Kittery Shipyard who died. Thank you.

Off Record Remarks

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

On motion by Senator **DUTREMBLE** of York, **ADJOURNED**, in memory of Richard Dutremble of Biddeford, until Monday, April 12, 1993, at 4:00 in the afternoon.