

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 2, 1992 to May 18, 1993

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
April 27, 1993

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

Prayer by Reverend Kenneth Baily of the First Parish Congregational Church in Yarmouth.

REVEREND KENNETH BAILY: Our motto in America is E Pluribus Unum, out of many, one people, and indeed we come from varied backgrounds but we come to this morning not only in our varieties but in our single purpose and as friends. So let us also pray as friends.

Holy One, gracious God, whom we know by various names yet worship with one reverent purpose, be among this good company today and as we begin now with a prayer, empower us to continue on with honest decision-making. If we are bold to proclaim your name make us responsible to do your work. We confess that we have become proud of our distractions and devices and complacent in needy surroundings so lift our eyes not only to perceive the needs of the women, men and children in Maine but to use every mechanism to serve them. Lift our eyes to receive your spirit of rejoicing, of justice and of vision, for as a rejoicing people we acknowledge the pleasure of your presence and the necessity of your inspiration. As rejoicing people we celebrate the gift of life in your creation and know that life is not to be hoarded but shared. When we hear your ever present call to be a just community we acknowledge that this gathered fellowship holds a great privilege, privilege that we did not only earn, but that was granted. So teach us with Isaiah to learn to do good, seek justice, and help the oppressed. We now live to use our privilege to these noble and holy purposes. As you are among us this day God, recall with us the strength, the sacrifice, the spirit, the joy and the justice of all those different and varied people who have gone before us to make this nation and this moment possible. For them we give you thanks and as we recall and give thanks we ask that you grant us a portion of your vision, your vision that these gifts of justice and joy, and your call to empowerment to humankind might be one that we pursue with your zeal, share with your love, receive with your humility and follow in our lives. Be with us Holy and gracious God, as citizens of your realm and as called partners of your promise. Amen.

Reading of the Journal of Monday, April 26, 1993.

Off Record Remarks

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

On motion by Senator **PINGREE** of Knox, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

On motion by Senator **KIEFFER** of Aroostook, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

THE PRESIDENT: The Chair would like to welcome everyone to Welcome Back Day. Now that we have gone through the festivities in the other body we can recognize some of our own members, those who have served in this body in the past who have come back to visit us today. I would like to have some of you come up and address the Senate. Those of you who have served as presiding officers.

First I'd like to have Governor Burton M. Cross please come up to the podium where he may address the Senate. Governor Cross served in the 92nd, 93rd, 94th and 95th Legislatures, he was past President and he has a few words for us.

At this time, the Chair requested that the Sergeant-At-Arms escort the HONORABLE BURTON M. CROSS, the former Governor, to the Rostrum. (Amid applause, the Members rising.)

HONORABLE BURTON M. CROSS: I got to thinking as I was in the unmentionable branch a little earlier that there has been fifty-two years since I was in the House and it was forty-five years ago that I was in the Senate. It was a pleasure to breathe the rarefied air in here after the turmoil in the House, of course we don't mention that. I've followed some of the Bills and I can't see any reason to change the constitutional setup of checks and balances that

we have. The House and the Senate, it makes for good legislation, sometimes it makes for a lot of frustration but that's good, debate is good. I may have knocked a few heads together in the House, I'd like to knock a bit here because you're in a mess. It's not the making of this one legislature it's the accumulative effect of trying to do everything for everyone and it costs money.

I was the Chairman of your Appropriations Committee, I ought to say that if you had listened to me when I testified before the Committees you wouldn't be in quite so much of a mess, but the thing exists. I told the House, I know I shouldn't mention the House, but I would like to give the sum of the farewell that I gave the legislature back in '54. There was a lot of meat there, there was a lot of things that seemed to me ought to be said. I'm going to just quote one quote if I can find it, I didn't want to quote it in the House. "This, to you men and women of the State of Maine, is an unusual opportunity to enter political life and render service to your State, your city and your town. The danger that is everpresent, however, is for a man or a woman to have a desire to hold office rather than to render service. Holding office alone has stirred many men and many women to continue in power by being willing to sacrifice principal and honor. Many of us enter politics expecting to accomplish more worthwhile things only to find our efforts blocked and useless. Many times when a man or woman has independence, powerful influences will seek to break them. To me principal, honesty and integrity are worth more than temporary and elusive honor. Sound administration in the interest of all the people has been my goal for over twenty-five years." There was a lot of other good stuff in there but I won't burden you with it.

Some of you were over in the House and you heard me knock a few heads together. I'm going to repeat it. You have no recourse but to meet the situation that exists today. There is no more phantom money, there are no more pockets to be picked, there's only the harsh reality of monies vs. expenditures, and monies vs. needs. Things have changed socially, economically and otherwise in the last twenty-five or thirty years but nevertheless you still have to meet that challenge and it's time that we all got together, the Republicans and Democrats and Independents, set aside the rivalry, set aside the personal feelings, set aside bitterness. I know it exists. Meet the situation with a spirit of cooperation, a spirit willing to give if necessary, some of your pet projects. Learn to sit down around the table. I know it can be done, we've had a lot of common sense here in Maine, we're famous for it. I would be happy to give you advice but you wouldn't pay any attention to it anyways. I just say to you, sit down together, work it out, it can be done and it's for all the people of Maine. Good enough.

The Sergeant-At-Arms escorted the HONORABLE BURTON M. CROSS from the Rostrum. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair would now like to introduce the past President of the 103rd Legislature, Senator Joseph B. Campbell.

The Chair is pleased to introduce a past President of the Maine Legislature. He served in the 103rd, 104th, 105th and 106th, Senator Ken MacLeod.

At this time, the Chair requested that the Sergeant-At-Arms escort the HONORABLE KENNETH P. MACLEOD, former President of the Senate, to the Rostrum. (Amid applause, the Members rising.)

HONORABLE KENNETH P. MACLEOD: Mr. President, members of the Senate. You're fortunate that I have pretty near lost my voice with a bad head and chest cold. I do want to tell you that Governor Cross spoke of getting together, the thirty-five people in this body, to try and solve the very serious problems you face. I do think that you have some advantages working for you, I think the Democrat caucus has chosen very well in the presiding officer and the floor leadership, and I think my party has done equally well in the leadership of the minority party. Certainly the overall complexion of this Senate is the best I've seen, as an impartial observer, for the last eight or ten years. I think you have an opportunity to meet the challenges of the budget and the lack of money, but also keeping in mind that the needs of many worthwhile programs that are here and try to get your priorities and save those that are worth saving but make the hard choices for the people of this State that you do serve. I appreciate the opportunity to be up here and I will be talking to you individually on some issues later on. Thank you.

The Sergeant-At-Arms escorted the HONORABLE KENNETH P. MACLEOD from the Rostrum. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair is now pleased to recognize another past President who served in the 104th, 105th, 106th, 107th, 108th, 109th, 110th and was President of the 111th, the Honorable Gerard P. Conley, Sr.

At this time, the Chair requested that the Sergeant-At-Arms escort the HONORABLE GERARD P. CONLEY, SR., former President of the Senate, to the Rostrum. (Amid applause, the Members rising.)

HONORABLE GERARD P. CONLEY, SR.: Mr. President, Secretary of the Senate Joy O'Brien and my many friends who are here at Welcome Back Day as well as members of this Honorable body. I've often thought that someone who has been incarcerated in Thomaston for twenty years was supposed to be serving a life sentence, when I ran for the Legislature back in 1964 little did I ever think that I was sentencing myself and my family to twenty years of hard labor down in the House and up here in what I always refer to as the Higher body. Speaker Martin obviously doesn't agree with those comments. I want you to know that life has been very very good to me and my family. In fact they're doing very well today, I

think 10% or 12% of them are currently employed here at the State Senate. My youngest son, Don, who serves here as a Page and my eldest, as I've often said from the Alpha to the Omega, my son Gerry who has represented the Conley clan in a very fashionable way and has made us very, very proud of his service here in Augusta.

Ken MacLeod and the Governor could go on forever, both of them, but Ken has an ulterior motive of actually lobbying here from the podium. He speaks of how fine the leadership has been for the last ten years. If you want to check back you will find that he has been lobbying for approximately ten years and that's why he's being so kind to you. When I think of my serving in this body, at one time we used to have what we called sort of a circle around the State Senate. In Cumberland county, for example, years ago, the Republican party generally sat down and designated who the candidates were going to be and who was going to be supported. Generally it went that way and then there was something that went before the United States Supreme Court that said one man one vote, that it wasn't trees, dogs, cats, and cows and so forth that were going to represent you in Augusta, or be represented in Augusta. You were going to be represented by individuals. As a result of that it opened up a situation where we have Senate Districts. I had honestly only planned on spending my two years or two terms down in the House of Representatives and saying see you later when the one man one vote decision was handed down from the Supreme Court. I immediately filed for a Senate seat here in Augusta and somehow or other I was elected, but I never thought I would spend sixteen more years here. I want to tell you all that I enjoyed every moment of it. There are some wonderful people that I met here. I see Senator Peg Sproul back against the wall, she was one of the first that I served with on the Legal Affairs Committee, back so many years ago when she was a Senator and I was down at the other end. I've met tremendous people here. Cy Joly is sitting over there and I can remember when Cy used to be a so called right wing radical, he was no more radical then than he is today. He's one of the finest people I had the pleasure of meeting. Again, my thanks to all of you and keep up the good work, it's not an easy job. Try to brush off all the swats you take when you get home. Thank you very much.

The Sergeant-At-Arms escorted the HONORABLE GERARD P. CONLEY, SR. from the Rostrum. (Amid applause, the Members rising.)

THE PRESIDENT: The Chair would like to go through the names of those who have registered and if they would please stand so we can recognize you.

The Chair is pleased to recognize Severin Beliveau. He was a member of the 104th.

The Chair is pleased to recognize the Honorable Henry Black who served in the 112th and the 113th.

The Chair is pleased to recognize the Honorable Arthur Charles who served in the 98th and 99th Legislatures.

The Chair is pleased to recognize the Honorable John Chapman who served in the 108th and 109th. He was my first Committee Chair.

The Chair is pleased to recognize the Honorable Donald Collins who served in the 108th, 113th, 114th and 115th.

The Chair is pleased to recognize the Honorable Robert L. Cram who served in the 101st Legislature.

The Chair is pleased to recognize the Honorable Dana Devoe. He served in the 109th and the 110th.

The Chair is pleased to recognize the Honorable Robert G. Dillenback who served in the 113th and the 114th. The man who did every job in the world.

The Chair is pleased to recognize the Honorable Albert Elliot who served in the 89th, 90th and 91st Legislatures.

The Chair is pleased to recognize the Honorable Hayes Gahagan who served in the 107th.

The Chair is pleased to recognize the Honorable Linwood Graffam who served in the 106th and 107th.

The Chair is pleased to recognize the Honorable Richard Hewes. He served in the 103rd, 104th, 105th, 106th, 107th and 108th Legislatures.

The Chair is pleased to recognize the Honorable Walter Hichens who served in the 105th, 106th, 107th, 108th, 109th, 110th, 111th, and 112th.

The Chair is pleased to recognize the Honorable Cyril Joly, Jr. He served in the 106th Legislature.

The Chair is pleased to recognize the Honorable Judy Kany who served in the 11th, 112th, 113th, 114th and 115th.

The Chair is pleased to recognize the Honorable Ronald L. Kellam who served in the 104th and the 105th Legislatures.

The Chair is pleased to recognize the Honorable Bennett Katz who served in the 103rd, 104th, 105th, 106th, 107th, 108th and the 109th.

The Chair is pleased to recognize the Honorable James McBreairty who served in the 109th, 110th, 111th and 112th.

The Chair is pleased to recognize the Honorable Carlton Mendell who served in the 102nd Legislature.

The Chair is pleased to recognize the Honorable Carroll E. Minkowsky who served in the 104th, 105th, 106th, 108th, 109th, 110th, and 111th.

The Chair is pleased to recognize the Honorable Richard Morrell who served in the 106th and 108th.

The Chair is pleased to recognize the Honorable Tom Perkins who served in the 109th, 110th, 111th, 112th, 113th and 114th Legislatures.

The Chair is pleased to recognize the Honorable John B. Roberts who served in the 106th and the 107th.

The Chair is pleased to recognize the Honorable Margaret Sproul who served in the 101st, 102nd and 103rd Legislatures.

The Chair is pleased to recognize the Honorable Ronald E. Usher who served in the 108th, 109th, 110th, 111th, 112th, and 113th.

The Chair is pleased to recognize the Honorable Edgar E. Erwin who served in the 111th, 112th, 113th and 114th.

The Chair is pleased to recognize the Honorable Zachary Matthews who served in the 112th, 113th, 114th and 115th Legislatures.

The Chair is pleased to recognize the Honorable Jeff Mills who served in the 115th.

The Chair is pleased to recognize the Honorable Barry Hobbins who served in the 114th.

We would now like to have all people who have served as staff members, either as Secretaries, pages or Secretary of the Senate or any offices to please rise and accept the greetings of all of us. I'd like to go through their names so that you know who they are. James Hendry, Constance Holmes, Henry Lydon, Tim Marks, Molly Pitcher, Helen Wing, Marie Brotherton, May Ross, and Colleen Carey.

Once again we would like to welcome you all again to Welcome Back Day here at the Maine Legislature. As the speaker stated the buffet dinner is at 12:00. We hope that you enjoy your day and we thank you all for coming.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Shoreland Zoning Laws"
H.P. 959 L.D. 1290

Bill "An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990"
H.P. 963 L.D. 1294

Bill "An Act to Amend Certain Laws Governing Solid Waste Management"
H.P. 966 L.D. 1297

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 Clarify Child Support Laws" (Emergency)
H.P. 996 L.D. 1337

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

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

Bill "An Act to Prevent Diversion of Solid Waste"
H.P. 958 L.D. 1289

Bill "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church"
H.P. 964 L.D. 1295

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General
H.P. 960 L.D. 1291

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Treasurer of State
H.P. 961 L.D. 1292

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority
H.P. 962 L.D. 1293

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State
H.P. 965 L.D. 1296

Bill "An Act Regarding Notaries Public"
H.P. 997 L.D. 1338

Bill "An Act to Allow for the Recall of Municipal Officials"
H.P. 998 L.D. 1339

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.

COMMUNICATIONS

The Following Communication:

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

April 26, 1993

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

Dear Secretary O'Brien:

Pursuant to my authority under MRSA 5, Chapter 316, Section 3358, I have appointed Senator Beverly M. Bustin to the Maine Criminal Justice Commission.

Senator Bustin will be replacing Senator Georgette B. Berube, who was appointed to the Commission on March 31, 1993. Senator Berube's appointment resulted in an overrepresentation on the Commission of the Judiciary Committee.

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

Sincerely,

S/Dennis L. Dutremble
President of the Senate

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

The Following Communication: H.P. 992

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

April 20, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On April 20, 1993, twenty-five Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 20, 1993 as follows:

Aging, Retirement and Veterans

Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System" (H.P. 977) (L.D. 1308) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: JALBERT of Lisbon)

Appropriations and Financial Affairs

Bill "An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree" (H.P. 971) (L.D. 1302) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative: CARROLL of Gray, Senators: BALDACCI of Penobscot, HARRIMAN of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Banking and Insurance

Bill "An Act to Amend the Preferred Provider Arrangement Act and to Otherwise Facilitate the Delivery of Health Care in the State" (H.P. 990) (L.D. 1321) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: ERWIN of Rumford, TRACY of Rome)

Business Legislation

Bill "An Act to Regulate Nonsewered Toilet Systems" (H.P. 981) (L.D. 1312) (Presented by Representative LIBBY of Kennebunk)

Bill "An Act to Amend the Laws Concerning Massage Therapists" (H.P. 982) (L.D. 1313) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: ADAMS of Portland, CARROLL of Gray, CHASE of China, GOULD of Greenville, HOGlund of Portland, O'GARA of Westbrook, RAND of Portland, Senators: BUSTIN of Kennebec, PARADIS of Aroostook)

Bill "An Act to Establish a Registration System for General Contractors" (H.P. 984) (L.D. 1315) (Presented by Representative VIGUE of Winslow)

Education

Bill "An Act Related to Conferring Degrees by Thomas College" (EMERGENCY) (H.P. 988) (L.D. 1319) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator: BUSTIN of Kennebec)

Energy and Natural Resources

Bill "An Act to Abolish the Low-level Radioactive Waste Advisory Commission" (H.P. 975) (L.D. 1306) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: AHEARNE of Madawaska, CLARK of Millinocket, CLEMENT of Clinton, COFFMAN of Old Town, DRISCOLL of Calais, HUSSEY of Milo, MORRISON of Bangor, ROTONDI of Athens, SULLIVAN of Bangor, VIGUE of Winslow, Senators: GOULD of Waldo, HANDY of Androscoggin)

Human Resources

Bill "An Act Related to Medical Treatment Decisions for Psychotic Disorders" (H.P. 983) (L.D. 1314) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: DORE of Auburn, JOHNSON of South Portland)

Judiciary

Bill "An Act Regarding Sentences for Career Criminals" (H.P. 974) (L.D. 1305) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: DUTREMBLE of Biddeford, PLOURDE of Biddeford, VIGUE of Winslow)

Resolve, to Establish the Commission on the Status of Alleged Child Abusers (EMERGENCY) (H.P. 991) (L.D. 1322) (Presented by Representative MELENDY of Rockland) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: COTE of Auburn, DRISCOLL of Calais, HOGLUND of Portland, JACQUES of Waterville, LORD of Waterboro, MARSHALL of Eliot, MITCHELL of Vassalboro, MURPHY of Berwick, OLIVER of Portland, PLOURDE of Biddeford, Senator: PARADIS of Aroostook)

Labor

Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (EMERGENCY) (H.P. 976) (L.D. 1307) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, Senator: BALDACCI of Penobscot) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

Legal Affairs

Bill "An Act Concerning Payment of Legal Fees in Eviction Cases" (H.P. 968) (L.D. 1299) (Presented by Representative LIBBY of Kennebunk) (By Request)

Bill "An Act Regarding Disorderly Conduct" (H.P. 969) (L.D. 1300) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: COTE of Auburn, Senator: CONLEY of Cumberland)

Bill "An Act to Promote Professionalism in the Law Enforcement Community" (H.P. 979) (L.D. 1310) (Presented by Representative KETTERER of Madison) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BOWERS of Washington, CATHCART of Orono, HATCH of Skowhegan, HEESCHEN of Wilton, LIPMAN of Augusta, OTT of York, PARADIS of Augusta, RICHARDSON of Portland, ROTONDI of Athens, TRACY of Rome, Senator: CAREY of Kennebec)

Bill "An Act to Amend the Law Concerning Habitual Offenders under the Motor Vehicle Laws" (H.P. 985) (L.D. 1316) (Presented by Representative WENTWORTH of Arundel) (Cosponsored by Representative: STEVENS of Orono)

Marine Resources

Bill "An Act Concerning Commercial Divers" (H.P. 973) (L.D. 1304) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Senator VOSE of Washington and Representatives: HEINO of Boothbay, LOOK of Jonesboro, TOWNSEND of Eastport, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

State and Local Government

Bill "An Act to Authorize Sagadahoc County to Provide Centralized Administrative Services to Those Sagadahoc County Municipalities That Desire to Share the Cost of Those Services" (H.P. 978) (L.D. 1309)

(Presented by Representative COLES of Harpswell) (Cosponsored by Senator: CAHILL of Sagadahoc)

Bill "An Act to Amend the Laws Governing the Recording of Deeds" (H.P. 986) (L.D. 1317) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: FARREN of Cherryfield, LORD of Waterboro, REED of Dexter)

Bill "An Act Prohibiting Local Ordinances that Regulate Indoor Private Gatherings" (H.P. 987) (L.D. 1318) (Presented by Representative STEVENS of Orono) (Cosponsored by Senator O'DEA of Penobscot and Representatives: BRENNAN of Portland, OLIVER of Portland, PFEIFFER of Brunswick, SIMONDS of Cape Elizabeth)

Taxation

Bill "An Act Regarding Real Estate Tax Relief for Property Held in Trust" (H.P. 967) (L.D. 1298) (Presented by Representative LIBBY of Kennebunk)

Bill "An Act Concerning the Taxable Status of Leased School Property" (EMERGENCY) (H.P. 970) (L.D. 1301) (Presented by Representative TRACY of Rome) (Cosponsored by Representative: RAND of Portland)

Bill "An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake" (EMERGENCY) (H.P. 972) (L.D. 1303) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator: KIEFFER of Aroostook)

Bill "An Act Concerning the Requirement of Notification of Municipal Tax Liens to Mortgagees of Record" (H.P. 989) (L.D. 1320) (Presented by Representative DORE of Auburn) (Cosponsored by Representative: ADAMS of Portland)

Transportation

Bill "An Act to Change the Railroad Fire Protection Laws" (H.P. 980) (L.D. 1311) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representatives: COLES of Harpswell, GOULD of Greenville, Senator: GOULD of Waldo) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

S/ Joy J. O'Brien
Secretary of the Senate

Comes from the House **READ** and **ORDERED PLACED ON FILE.**

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

The Following Communication: H.P. 995

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 21, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On April 21, 1993, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 21, 1993 as follows:

Labor

Bill "An Act to Bring the State Tipping Wage up to the Federal Tipping Wage" (H.P. 993) (L.D. 1335) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: KUTASI of Bridgton, TRUE of Fryeburg, TUFTS of Stockton Springs, Senator: LUTHER of Oxford)

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative (H.P. 994) (L.D. 1336) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, LEMKE of Westbrook, TUFTS of Stockton Springs, YOUNG of Limestone, Senator: LUTHER of Oxford)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

S/Joy J. O'Brien
Secretary of the Senate

Comes from the House **READ** and **ORDERED PLACED ON FILE.**

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

SENATE PAPERS

Bill "An Act to Restore Funds to the Commission on Governmental Ethics and Election Practices" (Emergency)

S.P. 431 L.D. 1341

Presented by Senator **LUTHER** of Oxford
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act to Amend the Selection Process for the Administration of the Mexico Water District" S.P. 430 L.D. 1340

Presented by Senator **LUTHER** of Oxford
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

COMMITTEE REPORTS

House

Change of Reference

The Committee on **HUMAN RESOURCES** on Bill "An Act Concerning Certain Counseling Services" H.P. 906 L.D. 1221

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

The Committee on **TRANSPORTATION** on Bill "An Act to Authorize Modifications to Tolls on the Maine Turnpike"

H.P. 582 L.D. 786

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Define Farmers' Market"

H.P. 265 L.D. 343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-168)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-168) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE** on Bill "An Act to Continue the Maine Dairy Farm Stabilization Act"

H.P. 381 L.D. 494

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-169)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-169) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies"

H.P. 470 L.D. 607

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-167)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-167) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Facilitate the Conduct of Business of the Maine Technical College System" (Emergency)

H.P. 508 L.D. 666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-164)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-164)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-164) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Increase the Effectiveness of Child Support Enforcement"

H.P. 108 L.D. 150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-144)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-144) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Extend to Land Surveyors the Limitation of Actions That Applies to Design Professionals"
H.P. 44 L.D. 60

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-154)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Concerning Court Approval of Minor Settlements"
H.P. 205 L.D. 267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-155)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Allow Service of Protective Orders on Sunday"
H.P. 367 L.D. 470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Require Judges to Consider the Desirability of Financial Forfeitures"
H.P. 379 L.D. 492

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-157)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-157) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Relating to the Theft of Utility Services"
H.P. 427 L.D. 546

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-158)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-158) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Related to Common Nuisances"
H.P. 273 L.D. 351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-163)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-163) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act to Change the Scallop Harvesting Season"
H.P. 117 L.D. 158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-146)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-146) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish the Town Line between Vassalboro and China"
H.P. 634 L.D. 865

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-165)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-165) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, Approving the 1993 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (Emergency)
H.P. 726 L.D. 985

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-166)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-166) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the North Berwick Water District" (Emergency)
H.P. 275 L.D. 353

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **TITCOMB** for the Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Improve Access to Maine's Veterans' Homes" (Emergency)
S.P. 41 L.D. 53

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

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-84) **READ** and **ADOPTED.**

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

Senator **PINGREE** for the Committee on **AGRICULTURE** on Bill "An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties" S.P. 175 L.D. 589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85).**

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

The Bill **READ ONCE.**

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

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

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act to Establish An Automobile Recycling License" H.P. 255 L.D. 334 (C "A" H-143)

Bill "An Act Regarding Certification Fees for Adult Education Teachers" H.P. 619 L.D. 843 (H "A" H-170)

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

Senate

Bill "An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code" (Emergency) S.P. 173 L.D. 587

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Improve Access to Dental Services" S.P. 85 L.D. 198 (C "A" S-83)

Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" S.P. 106 L.D. 309 (C "A" S-79)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory S.P. 183 L.D. 597 (C "A" S-82)

Bill "An Act to Amend the Mechanic Lien Laws" S.P. 197 L.D. 633 (C "A" S-80)

Bill "An Act to Prohibit Businesses from Requiring Social Security Numbers in Certain Cases" S.P. 242 L.D. 735 (C "A" S-78)

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

Sent down for concurrence.

ENACTORS

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

An Act to Establish a Consistent Expiration Date for Shellfish Licenses and Marine Worm Digger's Licenses H.P. 45 L.D. 61 (C "A" H-132)

An Act to Increase the Penalty for Abuse of Animals S.P. 82 L.D. 195 (C "A" S-56)

An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes H.P. 149 L.D. 201 (C "A" H-111)

An Act to Protect Animal Enterprises
H.P. 163 L.D. 215
(C "A" H-119)

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

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
(C "A" H-78)

An Act Concerning the Degree-granting Authority
of Educational Associates, Inc.
H.P. 242 L.D. 321

An Act to Prohibit the Transfer of Credit Card
Information
H.P. 246 L.D. 325
(C "A" H-125)

An Act to Define Composting as a Farm Operation
H.P. 270 L.D. 348
(C "A" H-127)

An Act to Prohibit the Use of Electronic Calling
Devices While Hunting Moose
H.P. 317 L.D. 405
(C "A" H-100)

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

An Act Allowing Animal Welfare Personnel of the
Department of Agriculture, Food and Rural Resources
to Enforce Laws Prohibiting the Sale of Certain Fish
and Wildlife
H.P. 448 L.D. 574
(C "A" H-120)

An Act to Further Clarify Appellate Procedures
under the Public Sector Labor Laws
H.P. 459 L.D. 585
(C "A" H-133)

An Act to Clarify Certain Statutes Relating to
the Public Utilities Commission
H.P. 575 L.D. 780

An Act to Establish the Boundary between the Town
of Cornville and the Town of Skowhegan
S.P. 270 L.D. 834

An Act to Reestablish a Portion of the Boundary
between Lincoln and Kennebec Counties
S.P. 288 L.D. 858

An Act to Correct the Boundary Description of the
Town of Long Island
H.P. 721 L.D. 980

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

An Act Prohibiting Political Activity by Members
of the Workers' Compensation Board
S.P. 19 L.D. 9
(H "B" H-130 to C
"A" S-37)

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

Senator **BUTLAND:** Thank you Mr. President,
Ladies and Gentlemen of the Senate. L.D. 9 has been
around for quite a long time and I hope that we would
vote against enactment on this today. If you will
remember this Bill singles out the new Workers'
Compensation Board that was created by the Blue
Ribbon Commission on Workers' Compensation last
year. The main objection that I have is that this
restriction is for this one board and one board
only. If it is such a good idea I think it is
something that needs to be looked at for all of the
boards and commissions in State Government. There
are many, many, many boards who are controversial and
deal with very important topics and yet this is the
only board that has been singled out. I would urge
that you vote against this on enactment and Mr.
President I request a Roll Call.

On motion by Senator **BUTLAND** of Cumberland,
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 Pearson.

Senator **PEARSON:** Thank you Mr. President,
Ladies and Gentlemen of the Senate. The argument
against this Bill has centered around the fact that
it singles out a group of people and if you were to
single out that group of people you ought to single
out other groups of people. What the good Senator
doesn't tell you is there are people who are singled
out already. Very big groups of people. Maine State
employees, the Courts. These people who are serving
on the Workers' Compensation Board have quasijudicial
just like, in many respects, court powers, judicial
powers. I took the language for this Bill from the
section in the law that deals with judges. Somehow
or other somebody has come to the conclusion that
there is some kind of a political motive here, there
is not. I don't understand, for the life of me, why
it is that we don't want to put forward our very best
steps in making sure that this board is pristine and
above reproach. I can see all kinds of political
pressures brought to bear on these people. Maybe I
was in some kind of another world for the last
several years when I was watching what was going on
here in this legislature with regard to the Workers'
Compensation issue, but at times I could say that it
was nothing but ugly and extremely political and it
should not have been. This is merely an effort, a
small effort admittedly, to try to make sure that it

won't be in the future. Nothing more than that, nothing less than that. There isn't any political motives hidden in here. It doesn't even affect the people who are on the board at the present time because that was amended out of it. That was in my original Bill and they amended it out and asked me if that was acceptable and I said it was fine with me because my goal is not to punish anybody who is there, or to regulate anybody who is there because that might appear to be political. It's for the future, those people who are there now are not affected. Do you want them to be nonpolitical? I do. Do you want them to be as least controversial as possible? I do. Do you want it back here in the legislature like it was before? I don't. I think this is a small step to getting in that direction. I know there are people who say they are very reluctant to take away anybody's political activity, so am I, so am I. I'm very reluctant to do that in any case. The people who oppose this by saying that it singles out an individual don't make any moves in the direction of State employees in making them be able to be political participants in the process. Why not them if you so fervently believe that? You believe, if I'm not mistaken, that it's not really a good and healthy environment to have State employees participating in that kind of a political process to that level. I feel the same way about Workers' Compensation. What's the difference. Do you think judges should be involved? I don't. They were singled out, what's wrong with them. I'm accused of singling out an individual group but you forget to mention the other ones that are already singled out and there's a reason for those. It's for an orderly process of government, for an orderly redress of grievances and I consequently urge you to vote for the passage of this Bill. 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. Nobody is saying that L.D. 9 has any political motivation. The difference between judges and State employees and the members of this board or the members of any other board are that State employees are full time, paid employees of the State of Maine, judges are full time, paid employees of the State. These are part time volunteers who serve and are paid a per diem. We all want it to be non-political, we all want all of our boards to be non-political and that is the point that I am trying to make. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My brief tenure as Chair of the Labor Committee and not having been intimately involved in the Workers' Compensation issues of the last several session of the Legislature other than simply casting a vote, mostly in opposition to many of the reforms, I've come to realize that the board, as it is currently configured, is a highly politicized board and I think it is incumbent upon us as legislators, as policy makers, to assure that a quasijudicial board such as this is above and beyond reproach. It's taken a long while for them to get down to business and they have a long, long way to go, the last thing they need, men and women of the Senate, is yet another distraction and the worst possible distraction, that of a political nature. I would urge your adoption of this piece of legislation. Thank you.

THE PRESIDENT: 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 BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT – DENNIS L. DUTREMBLE

NAYS: Senators AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, CONLEY, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, MARDEN, PINGREE, SUMMERS, WEBSTER

ABSENT: Senator LUDWIG

18 Senators having voted in the affirmative and 16 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.

An Act to Retain the Federal Demonstration Grant Funding the Maine Health Program

H.P. 141 L.D. 186
(C "A" H-124)

On motion by Senator **PEARSON** of Penobscot, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT.**

An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor

S.P. 104 L.D. 282
(C "A" S-55)

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise again to express my sincere and serious reservations about L.D. 282. I believe that it clearly represents an interference with the separation of powers between the branches of State Government. The fifteen commissioners that we are talking about serve at the pleasure of the Governor and should be retained as long as they retain the faith and confidence of that Governor. The Governor is responsible for their

performance and should be held accountable for that performance. If the people of the State of Maine re-elect a sitting Governor 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 their votes. If you will remember this piece of legislation says that if a Governor is re-elected his commissioners would go before the Committee of jurisdiction and then before the Senate for Senate re-confirmation. I would urge once again that you would vote against enactment and I request a Roll Call.

On motion by Senator **BUTLAND** of Kennebec, 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 Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill does exactly what was intended when the law was first passed in 1970. The intent was to have Commissioners come up for re-appointment should a Governor be fortunate enough to win re-election and it is not an issue which is strictly in the hands of the Governor as has been proposed by the gentlemen from Cumberland, Senator Butland, because it needs confirmation originally. When the Governor, he or she, is re-elected to the position the people are showing their faith in that particular individual, not necessarily the commissioners who sit under that particular individual. There was a mistake that was made, unfortunately by the members of my party, at a time when the Governor was Governor Brennan and the Attorney General was James Tierney. Maybe one of the unfortunate parts of having the Attorney General in the same party as the Governor, but that doesn't always happen and it not happening in this particular case. The Governor turned to the Attorney General and asked for an opinion as to whether or not the people should have to be reconfirmed. He got a very friendly opinion saying that yes, the Governor was correct in his questioning and that he did not need to have those people reconfirmed. I think a study of the law would have shown otherwise because the law was quite clear, and I'm just a layman, that the term was for the Governor's term of office and not for any other term of office. The Governor is placed, and Joe Brennan was in the same boat as I think the current Governor is, in having some people who may or may not be the people he would like to continue in office, but Governor's are reluctant to admit that they might have made a mistake in keeping some people on. I'm quite sure that Governor Brennan felt that way on many occasions when I was running the lottery for him, however, he was very reluctant in asking me to leave or to replace me, as he would be with some of his other commissioners. This law is very clear. When a Governor gets re-elected, his people have to go through the very same process that they had to go through originally, come back through the Committees and get recertified, so to speak, questioned. Maybe when they first came in their goals were not as clear as they were demonstrated to be during their term of office. This only protects the people from Department heads, because we are a part of that process and regardless of what any particular Governor may want to do we still have the confirmation powers. If, in fact, the person has done a good job he should be sailing through in the confirmation process. I urge you to vote for passage of this. Thank you.

THE PRESIDENT: 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 **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, MARDEN, SUMMERS, WEBSTER**

ABSENT: Senator **LUDWIG**

20 Senators having voted in the affirmative and 14 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.

ORDERS OF THE DAY

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 Increase the County Share of the Government Operations Surcharge Fund"

H.P. 97 L.D. 139

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-114).**

Tabled - April 26, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Division Requested)

(In Senate, April 26, 1993, Reports **READ**.)

(In House, April 15, 1993, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114) AS AMENDED BY HOUSE AMENDMENT "A" (H-145)** thereto.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT PASS** Report in **NON-CONCURRENCE** (Division Requested).

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

SENATE REPORTS - from the Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers"

S.P. 135 L.D. 426

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-81).**

Minority - **Ought Not to Pass.**

Tabled - April 26, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, April 26, 1993, Reports **READ.**)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is my Bill. This particular item has been of some interest to me for some time. I do not benefit from it myself but I've had the pleasure of being able to sponsor, on several occasions, little bits of increases in amounts of monies that retired teachers would get in health insurance. They now receive 25% of their health insurance paid for by the State. State employees get 100%. It seemed to me as I began my legislative career to be inequitable, particularly since many of those people who taught school, like my aunt, and can't you see them in your mind, there was Mrs. Libby in the second grade, Mrs. Cunningham in the third grade and I can name them all, and they never had health insurance. In little bits and pieces I have attempted to increase it a little bit. I've spoken to the members of the Senate who are on the Committee and they agree with me that it is an admirable thing to try to achieve health insurance for retired teachers of this State and I spoke to the Bill knowing the fiscal strength of the State and the fiscal situation we were in, more than anything else to keep the issue before the legislature. I do realize, however, that even a 5% increase at the time that we are in right now is probably not possible and I deeply regret saying that because I think all of us wish that wasn't the situation. These people have given so very, very much to all of us and the fact that I can read this calendar is because of them. Having said that and knowing the situation and knowing that my caucus wishes that they could do for the teachers the same thing that I wish I could do for the teachers I am going to move the Indefinite Postponement of this Bill and all Accompanying Papers with a heavy heart. Thank you.

Senator **PEARSON** of Penobscot moved that the Senate **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

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 like to thank the good Senator from Penobscot, Senator Pearson for his words. I think I can speak for all the members of the Committee, I don't always purport to speak for all the members of the Committee but I think the members of both side, Republicans and Democrats, conservatives and liberals, all of us agree that this is a worthwhile piece of legislation and we wish we could endorse it. I remember the Committee process as we talked about this Bill, a lot of us feel that this segment of the population should have more of their health insurance paid. But the Committee felt, at least some of us felt, that this was not the time to be asking the Appropriations Committee once again to make tough decisions. Some of us felt that this was the time for the Committees, the legislators, to stand up and be counted. For that reason, I did not feel that I could support this even though we think this is worthwhile. There is no question that this segment of the population should receive more money but these are tough times, there are not a lot of jobs available and I would like to thank the Senator from Penobscot, Senator Pearson for bringing this issue to our attention in the Senate and for being willing to stand up and move to kill this Bill. He has done an admirable job during the last few years. Without the leadership of Senator Pearson they unquestionably would not be even at the 25% level and he should be commended for that and I hope that in the future, future legislators can increase this level to a more reasonable and appropriate level for retired teachers. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have supported this Bill in the past and believe in its goal and I will support the Senator's motion. I believe that events have overtaken this Bill and that the way for us to ensure that all Mainers, including our retired teachers, have health insurance and health care is to embrace the leadership that's coming from Washington and from our own State in providing universal insurance. This is a change that is coming, everyone agrees that it's coming and I think that that is the route to go instead of picking specific populations to include under the umbrella of coverage. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I too would like to rise and express my support on behalf of the teachers who are retired in the State of Maine who only receive 25% of their health insurance benefits, whereas other State employees receive 100%. As the State's financial picture improves I think this is an issue that we need to look at and be fair to all of our retired, dedicated, career minded state employees. Let me also state my appreciation and support of the Senator from Penobscot, Senator Pearson, for the courage and leadership that he has demonstrated here today. This is a good example of why people look upon this body as a leadership role in this state and I commend him. Thank you.

On motion by Senator **PEARSON** of Penobscot, Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (Emergency)
S.P. 195 L.D. 631
(C "A" S-58)

Tabled - April 26, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**

(In Senate, April 13, 1993, **READ A SECOND TIME.**)

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

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

Off Record Remarks

Senator **MCCORMICK** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **MCCORMICK**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to announce to the Senate that our esteemed Assistant Majority Leader has become a grandmother. Her daughter Kathy gave birth to the newest Democrat in my district, Johanna Katherine Baker yesterday who is 7 pounds, 11 ounces. Congratulations.

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

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **MCCORMICK** of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **FOSTER** of Hancock, **ADJOURNED** until Thursday, April 29, 1993, at 10:00 in the morning.