

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
May 6, 1993

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

Prayer by the Honorable David L. Carpenter of York.

SENATOR DAVID L. CARPENTER: Good morning. I would like to share with you this morning the words of two great Americans.

Will Rogers once said, "Did you ever see a place that looks like it was built just to enjoy?" Well, this whole State of Maine looks that way. If it's not a beautiful lake, it's a beautiful tree or a pretty green hay meadow.

Our own Thomas B. Reed said, "Here's to the State of Maine. The land of the bluest skies, the greenest earth, and the richest air."

Let us be in the spirit of prayer. Dear Lord, please guide us so that by our actions Maine will always look like it was built just to enjoy. The land of the bluest skies, the greenest earth and the richest air. Lord by our actions here this session let us give all of Maine's people the opportunities necessary to enjoy this great State of Maine which you have given to all of us. Amen.

Reading of the Journal of Tuesday, May 4, 1993.

Off Record Remarks

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

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

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

On motion by Senator **SUMMERS** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes" H.P. 1060 L.D. 1428

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

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

Bill "An Act to Improve Markets for Chlorine-free Paper Products" H.P. 1063 L.D. 1431

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

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

Bill "An Act Limiting Fees Charged to Serve Court Documents" H.P. 1058 L.D. 1426

Bill "An Act to Allow Political Parties to Determine the Method of Nominating Candidates" H.P. 1064 L.D. 1432

Bill "An Act to Provide for Public Finance in State Elections" H.P. 1065 L.D. 1433

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

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

Bill "An Act to Create the Commission to Establish a Comprehensive Policy Concerning Political Activity by Members of Various Boards and Commissions" (Emergency)

H.P. 1059 L.D. 1427

Resolve, to Establish a Commission to Study the Size of the Legislature (Emergency)

H.P. 1061 L.D. 1429

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Freeze the Property Taxes of Citizens Aged 65 and Older under Certain Circumstances

H.P. 1062 L.D. 1430

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.

Off Record Remarks

Joint Resolutions

Following Joint Resolution: H.P. 1066

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REVOKE ITS CONGRESSIONAL PAYRAISE, ROLLBACK ITS SALARIES TO THE 1989 LEVEL AND REPEAL THE AUTOMATIC COST-OF-LIVING ALLOWANCE

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, Congress was originally envisioned as a legislative body designed to serve the public; and

WHEREAS, members of Congress now have salaries greater than the amount of income received by 99% of the American people; and

WHEREAS, Congress is in danger of becoming an institution of the elite and the privileged; and

WHEREAS, members of Congress now receive automatic pay increases that occur without vote; and

WHEREAS, President Clinton is asking all Americans to join in a united economic sacrifice for the benefit of the republic; and

WHEREAS, the State Legislature may serve petitions upon Congress to encourage its deliberations; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to rollback its congressional salary to the 1989 level of \$89,500; and be it further

RESOLVED: That the Congress of the United States is hereby petitioned to repeal its automatic annual cost-of-living adjustments; and be it further

RESOLVED: That We further commend the United States Senate for banning honoraria and petition it to continue that prohibition; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Comes from the House **READ** and **ADOPTED**

Which was **READ**.

On motion by Senator **ESTY** of Cumberland, the Joint Resolution was **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Following Joint Resolution: H.P. 1067

JOINT RESOLUTION COMMEMORATING BATH AS ONE OF THE BEST SMALL TOWNS IN AMERICA

WHEREAS, Bath is a charming and historic small town located in the scenic county of Sagadahoc; and

WHEREAS, Bath has had a colorful and interesting history. Settled in 1664, Bath is believed to have received its name in honor of Bath in Somersetshire, England. It has the distinction of being the first town to be incorporated in the District of Maine under the new Massachusetts Constitution of 1780. For more than two centuries, shipbuilding has been an integral facet of the life of the community. In 1743, the first large vessel, a schooner, was built in Bath by Jonathan Philbrick and his sons. The

industrious and talented citizens of Bath have continued the shipbuilding tradition to the present day and now Bath enjoys worldwide recognition as a major shipbuilding center; and

WHEREAS, Bath is an ideal example of America's distinctive "small town," one of the enduring bedrock institutions of this country. A small town is considered by many to be the best environment to live, work, play and actively participate in the democratic process; and

WHEREAS, Norman Crampton, in his nationwide guide entitled "The 100 Best Small Towns in America," identified Bath and gave it a rank of 32nd in the country. This remarkable tribute to Bath is given for several reasons. There is a strong and growing economic base, in particular, Bath Iron Works and the tourist industry; a wide variety of educational opportunities; proximity to beautiful scenic areas, including a number of State parks; access to nearby urban areas; access to high-quality health care; a high per-capita income; extensive local recreation activities; and a low crime rate; and

WHEREAS, these attributes and the significant cultural contributions Bath makes in several capacities, including the Maine Maritime Museum and the Center for Performing Arts at the Chocolate Church, contribute to make Bath an ideal place to live; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, take this special opportunity to recognize the City of Bath and congratulate the inhabitants of the City of Bath for receiving this remarkable commendation and extend to each our sincere hopes and best wishes for continued achievement as one of the best small towns in America; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and municipal officers of this proud city in honor of the occasion.

Comes from the House **READ** and **ADOPTED**

Which was **READ** and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

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

May 4, 1993

Honorable Joy J. O'Brien
Secretary of the Senate
116th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106) (L.D. 309)

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

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

The Following Communication:

**COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Aging, Retirement & Veterans has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 602 An Act Concerning Funding of the Maine State Retirement System
- L.D. 872 An Act to Update and Modify the Appointment Process to the Board of Trustees of the Maine Veterans' Homes

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bonnie L. Titcomb
Senate Chair

S/Rep. John Jalbert
House Chair

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

The Following Communication:

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1210 An Act to Require that Dogs Be Leashed

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis
 Senate Chair

S/Rep. Robert J. Tardy
 House Chair

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

The Following Communication:

**COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations & Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 4 An Act to Exempt Warden Service Vehicles from Participation in the Central Motor Pool
- L.D. 126 An Act to Supplement and Maintain a Federal Grant to the Western Regional Council on Alcoholism, Incorporated
- L.D. 365 An Act Concerning Tax Anticipation Notes for Fiscal Year 1993-94
- L.D. 366 An Act to Improve the Level of Services Provided by the Bureau of General Services on Capital Improvement Projects

- L.D. 524 An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Years Ending June 30, 1994 and June 30, 1995

- L.D. 704 An Act to Reimburse Municipalities for Forest Fire Suppression Costs

- L.D. 825 An Act to Enhance the Cost-effectiveness of the Central Motor Pool

- L.D. 977 An Act to Make Allocations from the Public Advocate Regulatory Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995

- L.D. 1086 An Act Repealing Advisory Boards on Appropriations and Financial Affairs

- L.D. 1327 Resolution, Proposing an Amendment to the Constitution of Maine to Allow the Governor to Veto Specific Appropriations and Allocations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael D. Pearson
 Senate Chair

S/Rep. Lorraine N. Chonko
 House Chair

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

The Following Communication:

**COMMITTEE ON BANKING AND INSURANCE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking & Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 41 An Act Permitting the Bureau of General Services to Provide Insurance to Certain Group Homes for Children and for Persons with Mental Retardation
- L.D. 883 An Act to Allow the Bureau of General Services to Provide Insurance Services for Elementary and Secondary Schools in the State

- L.D. 991 An Act to Regulate the Extension of Credit Insurance to Persons Within the State
- L.D. 1017 An Act to Amend Self-insurance Investment Standards
- L.D. 1118 An Act to Allow Elementary and Secondary Schools to Obtain Insurance Coverage through the Risk Management Division within the Bureau of General Services

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

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dale McCormick
Senate Chair

S/Rep. Edward L. Pineau
House Chair

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

The Following Communication:

**COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 761 An Act to Allow Consumers to Request a Written Estimate for Car Repairs
- L.D. 933 An Act to Allow Home Buyers to Conduct Inspections for Asbestos, Lead Paint, Radon and Other Hazardous Conditions
- L.D. 936 An Act to Require That Professional Boards Set Copying Fees for Members of the Professions They Regulate

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Alton E. Cianchette
Senate Chair

S/Rep. Annette M. Hoglund
House Chair

The Following Communication:

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 38 An Act Concerning Costs Related to Local Education Administration
- L.D. 167 An Act to Require Retention of Special Education Tests and Evaluations
- L.D. 187 An Act to Promote Educational Reform
- L.D. 476 An Act to Improve the Education of Exceptional Children
- L.D. 660 An Act to Ensure Flat Funding for Local School Units
- L.D. 888 An Act to Make Children Legally Responsible for Their Truancy
- L.D. 889 An Act Concerning Fine Arts Instructional Requirements
- L.D. 895 An Act Concerning Municipalities' Leasing of Portable Classrooms to School Units
- L.D. 1112 Resolve, to Make Public School Teachers Employees of the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John J. O'Dea
Senate Chair

S/Rep. Elizabeth H. Mitchell
House Chair

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

The Following Communication:

The Following Communication:

May 3, 1993

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy & Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 368 An Act to Require Greater Accountability on the Part of the Department of Environmental Protection
- L.D. 479 An Act Concerning the Use of Fines Collected for Environmental Laws Violations
- L.D. 822 An Act to Reduce the Registration Fee on Small Hazardous Waste Generators
- L.D. 877 An Act to Improve Forest Management for Small Owner-managed Woodlots
- L.D. 879 An Act to Promote More Effective Input to Environmental Regulation
- L.D. 954 An Act to Protect the Allagash Wilderness Waterway
- L.D. 1153 An Act to Improve the Administration of the Landfill Closure Program
- L.D. 1176 An Act to Determine the Direct Economic Costs of Implementation of Environmental Regulations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence
 Senate Chair

S/Rep. Paul F. Jacques
 House Chair

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

**COMMITTEE ON FISHERIES AND WILDLIFE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Fisheries & Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 581 An Act to Require People Applying for the Moose Lottery to Have Hunting Licenses
- L.D. 612 An Act to Ensure Safe Hunting
- L.D. 644 An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Regulate the Hunting of Moose
- L.D. 650 An Act to Establish Natural Resource Enhancement Laws for the Aroostook River
- L.D. 652 An Act to Guide Cold-water Fisheries Management in Maine
- L.D. 674 An Act to Amend the Laws on Whitewater Rafting
- L.D. 689 An Act to Increase Fees Charged by Agents to Issue Sporting Licenses
- L.D. 737 An Act to Increase the Number of Moose Permits
- L.D. 829 An Act to Restrict the Harvesting of Smelts
- L.D. 850 An Act to Amend the Allocation System for Commercial Whitewater Outfitters
- L.D. 859 An Act Regarding the Penalty for Failing to Register a Deer
- L.D. 867 An Act to Grant Disabled Persons Antlerless Deer Permits upon Request
- L.D. 905 An Act to Distribute the Number of Moose Hunting Permits Based on the Moose Population
- L.D. 913 An Act to Provide Waiting Periods for Special Hunting Permits
- L.D. 1021 An Act to Change the Moose Hunting Laws
- L.D. 1047 An Act to Increase the Number of Moose Hunting Permits from 1,000 to 1,500

- L.D. 1091 An Act Repealing Advisory Boards on Fisheries and Wildlife Matters
- L.D. 1129 An Act to Restrict Motorized Traffic on Fitts Pond in Clifton and Eddington
- L.D. 1138 An Act to Amend the Laws Governing Resident Fishing Licenses
- L.D. 1157 An Act to Provide Permits to Take Any Deer for People Hunting on Their Own Land
- L.D. 1165 An Act Regarding Hunting of Deer with Muzzle Loaders
- L.D. 1171 An Act to Amend the Hunting Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. M. Ida Luther S/Rep. Dorothy A. Rotondi
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Housing & Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 299 Resolve, Directing the Department of Economic and Community Development to Review Assistance for Industries
- L.D. 575 An Act to Require Job Impact Statements for Investment Programs Administered by the Finance Authority of Maine
- L.D. 773 An Act to Allow the Maine State Housing Authority to Grant Home Improvement Loans for Energy Efficiency through Its Home Improvement Loan Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rochelle M. Pingree S/Rep. Rita B. Melendy
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 230 An Act to Restrict Administrative Costs of the Designated Protection and Advocacy Agency
- L.D. 286 An Act to Require Psychiatric Review Prior to Certain Medication Changes at the Maine Youth Center
- L.D. 314 An Act Regarding Parental Resources in Medicaid Eligibility Determinations for Certain Children's Services
- L.D. 446 An Act to Consolidate the Delivery of Human Services
- L.D. 595 An Act Regarding Licensing Regulations for Boarding Care Facilities
- L.D. 641 An Act to Equalize Mental Health Funding Across Regions
- L.D. 705 An Act to Repeal the Sterilization Procedures Review Committee
- L.D. 947 An Act to Expand the Rights of People with Mental Illness or Mental Retardation
- L.D. 1018 An Act to Provide Mental Health Services for Children and Youth Who Are Homeless

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication:

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 355 An Act to Require Restitution Rather Than Incarceration for Certain Crimes
- L.D. 416 An Act to Make Stalking a Crime in Maine
- L.D. 500 An Act to Prohibit the Stalking of an Individual
- L.D. 567 An Act to Encourage Payment of Child Support Obligations
- L.D. 627 An Act to Amend the Adult Protective Services Act
- L.D. 657 An Act to Charge a Fee for Superior Court and District Court File Searches for Criminal Convictions
- L.D. 665 An Act to Amend the Laws Governing Sexual Exploitation of Minors
- L.D. 725 An Act Regarding the Use of Alternate Jurors
- L.D. 787 An Act for the Return of Stolen Property Retained as Evidence
- L.D. 814 An Act to Specify Criminal Liability for Tampering with Food or Drugs and Related Crimes
- L.D. 854 An Act to Ensure the Timely Resolution of Complaints under the Maine Human Rights Act

- L.D. 855 An Act Concerning Victims of Stalking
- L.D. 890 An Act to Amend the Law Regarding Insurance Fraud
- L.D. 958 An Act Preventing Trial Judges from Hearing Motions for a New Trial
- L.D. 1027 An Act Concerning Liens Against Certain Property for Child Support Arrearages
- L.D. 1028 An Act to Exclude Certain Financial Contributions from Financial Resources to Justify Deviations from Child Support Guidelines
- L.D. 1080 An Act to Clarify Mandatory Accessible Waiver Authority
- L.D. 1123 An Act to Prohibit Stalking
- L.D. 1236 An Act to Add Legal Damages to the Remedies under the Maine Unfair Trade Practices Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

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

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

The Following Communication:

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 86 An Act to Encourage Municipal and County Officials to Be in Contract Negotiations
- L.D. 160 An Act to Amend the Workers' Compensation Act As It Pertains to Officers' Immunity

- | | | | |
|-----------|---|-----------|---|
| L.D. 164 | An Act to Amend the Child Labor Laws | L.D. 432 | An Act to Extend the Application of Campaign Reports and Finance Laws |
| L.D. 193 | An Act to Ensure Continued Support for Dislocated Workers in Retraining Programs | L.D. 491 | An Act to Amend the Laws Governing Condominiums |
| L.D. 350 | An Act to Create Equality under the Workers' Compensation Laws for Volunteer Law Enforcement Officers | L.D. 516 | An Act to Establish a Voluntary Campaign Spending Law |
| L.D. 708 | An Act to Change the Labor Laws that Apply to Students under 18 Years of Age | L.D. 561 | An Act to Clarify the Laws Concerning Beano and Bingo |
| L.D. 970 | An Act to Repeal the Child Labor Laws | L.D. 635 | An Act to Allow Certain Minors on the Premises of Class A Lounges |
| L.D. 1128 | An Act Concerning Unemployment Insurance BY REQUEST | L.D. 730 | An Act to Permit Inspections upon Notice by Landlords of Apartments of At-will Tenants |
| L.D. 1144 | An Act Concerning the Working Hours of Minors | L.D. 799 | An Act to Strengthen the Laws Prohibiting Driving under the Influence of Alcohol or Drugs |
| L.D. 1163 | An Act Repealing Advisory Boards on Labor Matters | L.D. 937 | An Act to Amend the Liquor Laws |
| L.D. 1207 | An Act to Improve Standards for Video Display Terminal Operators | L.D. 1001 | An Act to Enhance the Revenue of Agricultural Fairs and Commercial Racetracks |
| L.D. 1209 | An Act Regarding Veterans' Disabilities under the Workers' Compensation System | L.D. 1175 | An Act to Ensure Fairness in the Use of Radar by Law Enforcement Officers |

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. James R. Handy S/Rep. Richard P. Ruhlin
Senate Chair House Chair

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

The Following Communication:

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey S/Rep. Beverly C. Daggett
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 813 An Act to Change the Opening Date for the Harvesting of Scallops to December 1st

L.D. 1029 An Act to Require Possession of a Maine Fishing License to Fish in Coastal Waters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose
Senate Chair

S/Rep. James Mitchell
House Chair

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

The Following Communication:

**COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State & Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 168 An Act to Provide for the Direct Election of the State Auditor
- L.D. 322 An Act to Facilitate the Efforts of the Commission on Governmental Ethics and Election Practices to Provide Advisory Opinions
- L.D. 502 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Modify Terms of Office for Senators and Members of the House of Representatives
- L.D. 692 An Act to Limit to 4 the Number of Consecutive Terms a Legislator May Serve
- L.D. 743 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Election Procedures for Constitutional Officers
- L.D. 795 An Act to Limit the Terms of the President of the Senate and the Speaker of the House of Representatives

- L.D. 885 An Act to Implement Constitutional Provisions Requiring the Funding of Mandates Imposed on Local Units of Government
- L.D. 917 Resolve, to Obtain Land for the Construction of a Juvenile Detention Center in Northern Maine
- L.D. 1004 An Act to Increase the Fee for Marriage Licenses
- L.D. 1081 An Act to Promote Stronger Interdepartmental Cooperation
- L.D. 1106 Resolve, to Promote Joint Purchasing by Nonprofit Organizations
- L.D. 1141 An Act Allowing the Town of Hermon to Convey Certain Property within the Town
- L.D. 1169 An Act Repealing Boards That Have Not Filed Annual Reports with the Secretary of State
- L.D. 1179 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Terms of Certain State Office Holders
- L.D. 1195 An Act to Amend the Requirements for Hearing and Public Notice in the Adoption and Amendment of Zoning Ordinances
- L.D. 1196 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
- L.D. 1214 An Act to Share Proportionately the Public Safety Costs for the Capitol Area
- L.D. 1247 An Act to Implement the Constitutional Amendment Requiring the State to Fund Mandates
- L.D. 1279 Resolve, Creating the New England Regional Commission on Fiscal and Public Policy

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube
Senate Chair

S/Rep. Ruth C. Joseph
House Chair

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

The Following Communication:

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

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

May 3, 1993

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

The Following Communication:

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

May 3, 1993

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 157 An Act to Continue the Income Tax Surcharge to December 31, 1993
- L.D. 180 An Act to Adjust the 1992 State Valuation of Mechanic Falls
- L.D. 335 An Act to Create Economic Development Incentives
- L.D. 510 An Act to Amend the Laws Relating to Property Tax Appeals
- L.D. 513 An Act to Expand Resources and Eligibility for Child Care Programs
- L.D. 542 An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities
- L.D. 706 An Act to Require Job Impact Statements and Cost Benefit Analyses for Business Tax Incentives
- L.D. 738 An Act to Change the Residency Requirements for Income Tax Purposes
- L.D. 741 An Act to Allow Municipalities to Borrow against Property Tax Deferrals
- L.D. 744 An Act to Require Disclosure of Certain Property Status
- L.D. 810 An Act to Exempt from State Income Tax Individual Retirement Accounts Funds for the Purchase of Homes or the Renovations of Existing Homes
- L.D. 950 An Act to Enhance Public Recreational Opportunity

- L.D. 63 An Act Regarding the Issuance of Special License Plates
- L.D. 136 An Act to Provide Operating Funds for the Casco Bay Island Ferry District
- L.D. 174 An Act Concerning Truck Weight Limits
- L.D. 269 An Act to Create A Special License Plate for Blue Knights
- L.D. 331 An Act to Make Available Special Handicap Veteran License Plates and Vanity Plates With a Veteran Designation
- L.D. 372 Resolve, to Privatize Road Maintenance
- L.D. 462 An Act to Provide Greater Access to Private Roads during Emergencies
- L.D. 598 An Act to Ensure That Towns Do Not Have to Pay for Ambulance or Emergency Vehicle Response on Controlled Access Highways within Their Boundaries
- L.D. 609 An Act to Establish the Maine Parks and Recreation Fund
- L.D. 745 An Act to Authorize the Issuance of Repair Plates to Automobile Repair Garages
- L.D. 747 An Act to Amend the Law Regarding Suspension of an Operator's License for Nonpayment of Fines
- L.D. 868 An Act Concerning Renewal Registration of Motor Vehicles
- L.D. 1003 An Act to Allow Reimbursement to Local Fire Departments by the Turnpike Authority of Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

- L.D. 1009 An Act to Facilitate Traffic Movement over Bridges and Ways
- L.D. 1127 An Act Concerning the Registration of Tree Farm Vehicles
- L.D. 1131 An Act to Give Law Enforcement Agencies the Option of Including Red Lights as a Part of Emergency Vehicle Auxiliary Lighting
- L.D. 1134 An Act to Facilitate the Procurement of License Plates for County-owned Vehicles
- L.D. 1172 An Act Regarding the Issuance of Registration Plates
- L.D. 1192 An Act to Provide Funding for Response to Spills of Hazardous Materials
- L.D. 1228 An Act to Ensure Access to Land Located on Discontinued Roads

- L.D. 1042 An Act to Provide Equitable Treatment of Electric Utility Conservation Costs
- L.D. 1098 An Act Repealing Advisory Boards on Utilities Matters
- L.D. 1135 An Act to Protect Electric Ratepayers from Unnecessary Rate Increases

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose
Senate Chair

S/Rep. Herbert E. Clark
House Chair

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

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan
Senate Chair

S/Rep. William B. O'Gara
House Chair

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

The Following Communication:

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

May 4, 1993

To The Honorable Members Of The 116th Legislature:

I am returning, without my signature or approval, S.P. 92, L.D. 246, "An Act to Prevent Discrimination".

I take this step because I remain troubled over the nature of the interests adversely affected by this bill. If L.D. 246 were to become law, it would sanction government intrusion into the private values and individual consciences of Maine citizens without a compelling rationale or judicially recognized basis in constitutional law. Historically, the courts of our land have permitted governmental intrusion into this sensitive and emotional area only after concluding that the distinguishing characteristic of a person was worthy of constitutional protection. I am not persuaded that the merit of "sexual orientation" warrants or justifies this further governmental intrusion. Consequently, I believe that it would be inappropriate to extend a statutory right to a class of persons who have not yet established a constitutionally protected status in our courts.

This is a complex issue, and it is difficult to separate personal views from public policy considerations. Since this subject strikes at the core values of people throughout Maine and continues to engender divisiveness in our society, I do not believe that L.D. 246 should become law without significant bipartisan support of the Legislature. That support, in my view, has not been demonstrated.

However, even without bipartisan support, I believe it is both appropriate and responsible to seek a clear expression of community sentiment on a change in our civil rights statutes of such societal

The Following Communication:

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

May 3, 1993

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

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 341 An Act to Encourage Conservation and Load Management by Electric Utilities
- L.D. 573 An Act to Ensure Residential Consumer Representation on and before the Public Utilities Commission

magnitude. For this reason, I encouraged the Legislature during its deliberations on the bill to send this issue out to referendum, thereby affording the people of Maine the opportunity to voice their opinion. Since the Legislature failed to attach a referendum clause to L.D. 246, I am left with no option but to return this bill without my signature or approval.

My disapproval of this bill should not in any way be construed as condoning discrimination of any type. I deplore all acts of personal violence, especially those involving hate crimes, and stand willing to take appropriate action to enhance enforcement against perpetrators of these crimes. I do not believe, however, that L.D. 246, with its sweeping proposals, is the most responsible vehicle to address these concerns.

Recently, I met with the lead sponsors of the bill to discuss a possible middle ground: ensuring that hate crimes can be promptly reported and vigorously prosecuted by replacing L.D. 246 with a "Hate Crimes" bill. This proposal, initially encouraging to the sponsors, would have enhanced criminal penalties for hate crime perpetrators, and protected the victims from lease and employment terminations when the landlord or employer based the action substantially on the sexual orientation of the victim. Regrettably, the sponsors concluded that this enhanced hate crime protection failed to address sufficiently their concerns.

For the foregoing reasons, I am in opposition to L.D. 246 and respectfully urge you to sustain my veto.

Sincerely,

S/JOHN R. MCKERNAN, JR.
GOVERNOR

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

The Accompanying Bill:

Bill "An Act to Prevent Discrimination".
S.P. 92 L.D. 246
(C "A" S-57)

The President laid before the Senate the following:

Shall this Bill become Law notwithstanding the objections of the Governor?

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This issue has been thoroughly debated. The positions of all in this chamber are well known. Last night I went home knowing that we would be doing this veto today, I was actually watching the Celtics and they fell so far behind I became very depressed and started playing with the little box we have in Portland for our cable stations and I came to public television. Once again the Civil War documentary was being aired so I started watching it. The part that was on was very refreshing and kind of invigorated me, thinking about coming up today. The portion of the documentary I saw began with Joshua Chamberlain leading the Maine 20th Regiment to battle at Sharpsburg. It showed many of Chamberlain's remarks about Lincoln and what a tremendous President he was and how these farmers and toilers of the soil from Maine has gone down to,

what at that time was a very remote region of the country for Mainers to help end slavery which was going on in the south. As part of this portion on Joshua Chamberlain the President gave his declaration of Emancipation Proclamation for all black citizens in the entire country. What that did was, even though the Confederacy had broken away from the union his Proclamation set free all blacks within every recognized state at the time. Though Jefferson Davis was in a position where he was claiming, and actually had, physical control over these southern states, this Proclamation set free all of those blacks who were in those states. What that Proclamation did was invigorate the union and it invigorated Joshua Chamberlain and the Maine troops who were there to fight on behalf of the Union. It also kept France and England out of the war because by giving this Proclamation against slavery those foreign governments then decided that they would not become involved.

Today as this Senate takes up this very important issue, we, too, can be like Lincoln. Even though the Chief Executive controls what happens in reference to Bills which we send to him, even though like Jefferson Davis, he says no, we have the power to overturn that. We have the power inside ourselves to end discrimination. So as we begin to take this vote I ask that you look inside your hearts, recognize that power, and help end discrimination. 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 also rise to ask us all to override the Governor's veto. I just want to say a couple of things about that. One is we have heard a lot about the new referendum standard that the Governor imposed upon this Bill. A standard whereby anything gets put out to referendum if a majority of each party does not support it. I think it's worth noting that had this standard been in place in the 70's when the original Maine Human Rights Act had been passed, the Maine Human Rights Act would have failed and would have had to have been put out to referendum for the vote in the House, the other body, was 71 - 58. I would like to pose to you another question. Do you think that if we put out to referendum today the rights of racial minorities to not be discriminated against in employment and public accommodations and housing and credit, would the majority of our Maine citizens vote to uphold those rights that we've had in this country for about 29 years? I don't think it's a chance we should take.

It's a very difficult decision to oppose a leader and the Governor of all of us is our leader, we do not like to oppose him. When we do, when we consider opposing him as we are today, we have to ask ourselves is his position resting on a sound foundation. When I ask that question I consider the input I've gotten over the past two weeks from the negotiators who negotiate with the Governor's team, all reports back yield an answer of no, the Governor's position is not resting on a sound foundation. People have described that the negotiators for the Governor's Office put out an idea and then take it back, that they have described activities in words such as grasping for straws, and one step forward and two steps back. In fact, the compromise that I had hoped would be reached was one that came from the Governor himself and that was a Portland style ordinance. In other words a Bill that allows people a private right of action but does not utilize the Human Rights Commission. When I heard

the Governor pose that I went to my friends, colleagues, and folks all over the State and asked them what they thought about that. Could they go along with that kind of compromise and they said they could. We pursued that, unfortunately that idea was then taken off the Table. I believe the Governor is isolated on this issue. Prominent Republicans have called me and asked me what they could do, I know that people have been lobbying him from each party. I know prominent members of his administration who cannot understand his issue, prominent Republican leaders in this State have called him, have talked to him. I appreciate that very much and I also believe that this issue has been a real bridge, a real crossover issue. The degree of bipartisan support on this issue has been heartwarming to me and to gay and lesbian people in this State.

The question is do we override his veto or not. My answer is yes and you could pick any one of a number of reasons for choosing to base your vote to override. You could, for instance, concentrate on the fact that the Chamber of Commerce and Industry supports this Bill. You could concentrate on the fact that the Banker's support an end to discrimination based on sexual orientation. You could decide to veto the Bill because you agree with the Maine Council of Churches on this matter. You could vote to override because you are alarmed that 30% of the teen suicides in this country and in this State are amongst gay and lesbian youth and you want to send a message to our young people. You could vote to override this Bill for public health reasons because as early as August 1, and other members of the HIV community and HIV activists, asked to sit down with the Governor on this issue, saying we need to have an atmosphere free from discrimination, free from fear of losing our jobs if we are going to maintain access to HIV testing and the public health needs around the AIDS crisis. Or you could vote to override because you're alarmed at the fact that has been pointed out to us by several Chiefs of Police and hate crimes task forces that gay and lesbian people do not report crimes of hate violence because they are afraid of being discriminated against and losing their jobs. For me, I am going to vote to override his veto because of Jim Baines. Do you all know who Jim Baines is? Jim Baines is one of the three men who threw Charlie Howard over a bridge in Bangor and killed him. I was the President of the Maine Lesbian and Gay Political Alliance at that time and was very involved emotionally, politically in that case. I went up to Bangor, I watched those boys, I watched the community. I couldn't understand, I was angry at them, I was fearful for myself and my friends that this such a thing could happen to any one of us. When they were sent to the Maine Youth Center I heard reports that one of them was changing his mind, having second thoughts. I don't know if you saw the Portland paper Sunday but we see the evolution of a man, Jim Baines, to someone who has made it his life's work to end discrimination and intolerance against gay men and lesbians. I want to read into the Record his letter that appeared in the Bangor Daily News a couple of weeks ago. "Nearly nine years ago I was a participant in a terrible crime. Myself and two companions beat and threw a homosexual man off a bridge to his death. I believe Charlie Howard was an innocent man. He did not deserve to die. This tragic event has been on my mind every day since it took place. Knowing you were involved in another man's death is extremely difficult to live with. I have made the choice to do my best in dealing with my emotions, but I feel obligated to do everything I can to try to prevent something like this from happening again. I do not

expect forgiveness from everybody. My crime was far too severe to ask for forgiveness. My goal now is to reach out to the younger generation. I share my feelings and experiences in great hopes that someone can learn from the mistakes I've made. Educate the children of today. Teach them that discrimination is wrong. No one deserves to be beaten or harassed. None of us has the right to judge others no matter how different they seem to be. I was involved in the ultimate act of discrimination which I can truly say was the biggest mistake of my life. There is a bill in front of the Legislature that would add the words 'sexual orientation' to the Maine human rights law. I have read the bill and see nothing wrong with it. If this bill will finally help to end discrimination in Maine, I support it and respectfully urge that it be passed into law." Signed Jim Baines, Bangor.

What this young man was crying out for in 1985, when he participated in the murder of Charlie Howard, was a context. A statewide societal context that would have helped him in the value decisions, in the moral decisions, and led him to a different end. He now regrets his action, he now is what I consider to be a bridge and there is a special place in heaven for people like Jim Baines who cross over and help other people to act as a bridge for people who do not understand something to come over and understand something. I know in my heart that the Governor is going to regret his veto at some point in the future. He's going to maybe regret it tomorrow, he's going to maybe regret it in a year but I tell you he will regret it and you, you other 35 Senators in this body, could save him the anguish that Jim Baines has had. I urge you to override this veto. Thank you.

Off Record Remarks

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For me as a legislator, for me as a member of this body, and I hope for all of us, I think we have no greater responsibility than that to protect the rights of a minority in our society. We have such a role to play in lifting people up and not walking over them. The themes that I've tried to strike in the debate on this issue this year and in previous years in the other body are a little bit different than that of my good friend and colleague from Kennebec, Senator McCormick, although I share those. That theme was one of perception and the suffering that those in the gay and lesbian community feel can be shared by those of us in the so called straight community. A few short weeks ago a father and his son were attacked because of the perception of some people that they were gay. Absolutely and totally reprehensible. Men and women of the Senate the issue is the rights and the dignity of every human being, the dignity of the human condition in the State of Maine. I think the good Senator from Kennebec is right, the Governor, and I'm sure others at some point will have to do a lot of soul searching and have some serious regrets ultimately about not passing this piece of legislation and affording the inalienable right of life, liberty, and the pursuit of happiness by all of

Maine's citizens, be they gay, lesbian, straight, young, old, educated, uneducated, rich, poor, member of the legislature, or citizen, laborer, or corporate executive. I extend my hand to you, to the members of our community, and the great State of Maine, to lift up our brothers and sisters, to give them the dignity and respect that every Maine citizen deserves. I hope someday we all can look upon each other with equality. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have not taken the opportunity to speak on this issue during the very commendable debates that have taken place this year. I can't let this opportunity pass to make just a couple of comments and observations. I think that this issue is one that comes right down to the question as to who among us should decide who deserves to be left out of the phrase 'with justice for all'. I think that's the bottom line. When we allow that to happen we are each at risk and none of us are safe. In this country and in this environment that frightens me a great deal. Discrimination picks and chooses, equal rights do not. I think that this is a place and time when we should look back at our heritage and look into ourselves into what equal rights means and vote today to override this veto. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise here to speak briefly on this issue once again because I feel deeply that I would be remiss if I did not. In the flood of issues and papers that come before us during this Session few will be as important and as critical and as basic to the rights and justice of the citizens of this State. In particular those people who are gay men and lesbians. I am deeply disappointed that the Governor could not see his way clear to support clear and large majorities of both parties on this issue. Clearly that is the sentiment of this State. Communities have voted on it and large majorities have supported the proposition that discrimination is wrong, always, everywhere, for any reason against anyone. We must not condone it. We must first realize that discrimination exists against a group of people who are identified as gay men or lesbians. The evidence is overwhelming that it does. They have been attacked, ridiculed, murdered, insulted, fired, evicted, every kind of insult or injury imaginable has been heaped on them. We also know that because there is no protection in the law, none anywhere, that should they seek justice in the courts they face a deeper and worse penalty because individuals may put a judgement on them and fire them from their employment, take away their economic well being, throw them out of their apartment, deny them credit or access to public accommodations, regardless of whether they prevail on the issue in the court. They will face a more severe punishment even if they win. We know, each one of us knows, that that is the case. We also know that we have been elected to make difficult decisions to protect everyone, including those who are minorities, including those who are unpopular, including those who are ridiculed, everyone. That's our responsibility. We must come to an understanding does discrimination exist or does it not. Is it our responsibility to act or is it not. If it rests here we must accept our responsibility.

The Governor notes three areas in his comments on the basis of his reasoning why he feels he can't come to this judgement at this point. As I understand them they include that it's a divisive issue and therefore it's difficult to deal with, that the courts haven't established some constitutional basis on which to act, and that somehow it's an intrusion on individual lives. Let me speak to each one of those briefly. The courts have said clearly that they cannot act because the legislature has acted and specifically not included in a delineated group of individuals the court says therefore the legislature intended not to act that way and we cannot expand upon the law because we interpret and not make law. It is our job to do that. If we wait for the courts we will wait forever. It is our job to do that. The courts have said that and we must undertake it. Secondly he indicates that there is intrusion into lives, individual lives. Let me remind you that we are talking about public arenas, public situations. Not what people believe individually, not what they do in their own homes, not what they do in their families, but we're talking about public situations only. When you employ someone that is a public situation. When you provide housing for rent that's a public situation. When you extend credit terms that's a public situation. When you have a restaurant or other public accommodation that is public. What we're saying is public conduct must be meeting a standard where you don't discriminate. That is the function of government, to determine how each of us is treated in a public way and our rights protected. We ask not to go into someone's home and tell them how they believe, people may believe many things. They may believe that it's alright to be bigoted against black people, and some people do, but we don't say that you can then exercise that belief in a public arena because you believe it. It's wrong, it's discriminatory, we do say that you can't do that publicly. That's what we're doing here, it's no different at all. Finally let me comment on the issue of divisiveness. Yes this is a difficult situation. Yes some people have very strong feelings about this issue but it's our responsibility to squarely face difficult issues and to make the right decision and to communicate, to lead, to show people where we must go with a society. If we take those difficult steps on those difficult roads we will all be better for it. If we refuse to take the first few steps on that road we will never complete our journey. There must be a few of us who are willing to take a few of the first steps. I would have hoped the Governor would have been on the path with us unfortunately he is not, once again. We must rely on you ladies and gentlemen. The people of this state, tens of thousands of gay men and lesbians, must rely on you. Please, I beseech you to search your souls, and let's not continue this atrocity that exists against large segments of our society. 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. Article I, Section 1 of Maine's Constitution reads as follows, "All people are born equally free and independent and have certain natural, inherent and inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property; and pursuing and obtaining safety and happiness." Section 3 reads in part "all individuals have a natural and inalienable right to worship alright God according to the dictates of their own consciences. No person shall be hurt,

molested, or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments provided that that person does not disturb the public peace nor obstruct others in their religious worship." Finally Section 6-A, "No person shall be deprived of life, liberty or property without due process of law, nor be denied equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof." Members of the Senate we all took the oath to uphold the Constitution. Those words in the Constitution apply to everyone now. It's not a question of who in this chamber is against discrimination because I believe all of us are against discrimination. The question before us is how do we proceed beyond the dictates of our Constitution and what is the best way to go about this.

Three or four weeks ago now I stood up in this chamber and I asked a number of questions as far as how would this new law be applied, and how would the privacy rights of all of Maine's citizens be impacted. Unfortunately those questions weren't really answered, it was said well it's not important, it's just important that we get this on the books. I guess I would argue and I would use the argument of the good Senator from Kennebec, Senator McCormick, in why I'll be voting to sustain the veto. It goes to the issue of Jim Baines. As far as an individual who nine years before had no tolerance for individuals if they had a certain sexual orientation, today he has become tolerant, he has become informed and educated on this issue. We, as Senators, as policymakers for the State, have to make the determination which is the best path, as the Senator from Androscoggin, Senator Cleveland, said, which is the best path to reach that end result of eliminating discrimination amongst all Maine people. I believe that it is one person at a time and I believe that if this were to pass it would do more detriment to resolving discrimination that takes place then any benefit that would come about because of it. That's the reason why I will be voting to sustain the Governor's veto. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The term discrimination has been used and soul searching has been used and in some instances, almost an inference to the extent that the Governor is not concerned with either. If you read his message to us, "My disapproval of this Bill should not in any way be construed as condoning discrimination of any type. I deplore all acts of personal violence, especially those involving hate crimes and stand willing to take appropriate action to enhance enforcement against perpetrators of these crimes. I do not believe, however, that L.D. 246 with its sweeping proposals is the most responsible vehicle to address these concerns." Soul searching is personal, it is personal for me as everybody else has mentioned as well. When I mentioned this before in debate originally my position was, and remains, that the term as proposed does not meet the criteria of those terms that are already in the Human Rights Act. Therefore men and women of the Senate I hope you will sustain the Governor's veto. Thank you.

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 look at this vote today different than many of you. I would call this vote a wake up call, a wake up vote for the people of the State. I've run for office many times as many of you have, in the last three elections this issue has been a big issue in my campaign, the homosexual community has worked hard to beat me. Frankly, those who don't share the views that this Bill was appropriate, have not been involved in politics in this State to the level that the homosexual community has. I suggest this vote, I commend the Governor for doing what he thought was right, I don't represent the total state. I have no idea what the majority of the people in Maine want. I would suggest that if this was supported by the majority of the people in this State that it the proposal offered by some members of this body to send it to the voters would have happened. If the homosexual community felt that there was broad support for this special right that they are asking for they would have come to the Senate and endorsed that idea. I think it's important that it's being debated here. Frankly I wish we were doing other things more important to the people of Maine but it's here, we have to discuss it, and I think this is a wake up call for the people of this State, and it ought to be. Over the years I've watched what has happened to Maine's political process, if you don't vote for something, anything, some special group is out to defeat you. Over the years I've been elected, I've watched every conceivable special interest group take on a cause and I remember in the last election the homosexual community went door to door against me because of this issue. For no other reason, I could have been representing everything else they wanted but because of this issue they worked, and they worked hard. They went in vans door to door in opposition to my candidacy. Unfortunately, I would argue that I think at least in my part of the State I can tell you that the other people, the majority of the citizens in my part of the State did not know and were not involved in this issue. Whether we agree with what President Clinton has done, what he's done is he has brought this issue to the forefront. I suggest that the people of this State should begin to look at this issue, all of the people of the State, not just the homosexual communities who are asking for this special right. Also the people out there who don't think, perhaps, that this Bill is appropriate.

I was telling somebody earlier if you look at a picture of the State of Maine, and you look at those of us in the Senate who are against this proposal, it's amazing to look at where they live. Those of us in the rural parts of the State, as a general rule, have opposed this, because those of us who live in the rural parts of the State do not support this bill. I can't argue or know why any member in this body has voted for any issue that they have, but it seems to me that if you live in Maine and you're concerned about this issue you need to begin to watch the process. This is indeed a wake up call for the people of this State who do not agree with this Bill. I commend the Governor and his position. I find it very frustrating that this legislature spends so much time on these kinds of issues when there are real important matters in the legislature to be discussed. Frankly I commend the Governor on his position. I feel quite confident, having represented a very large portion of the State, that he is representing my constituents on this matter and I would argue that perhaps he's representing the viewpoint of most people in Maine. 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 hope that the good Senator from Oxford, Senator Hanley, is not implying that his quotes of our Constitution that it is illegal to discriminate against someone based on their sexual orientation in areas of credit, accommodations, employment and housing. I hope that that was not your intent because we have heard in the last couple of months from every law enforcement officer that there is, from the Attorney General, from Chiefs of Police, from lawyers, from judges, that it is, in fact, legal, legal l-e-g-a-l, to fire, evict, deny public accommodations or credit to someone solely based on their sexual orientation. That's why the Chamber of Commerce supported this Bill. They believe, a radical idea, that people should be hired based on their ability to do a job. That is why the Banker's supported this Bill, they believe people should be issued credit based on the amount of equity they have and not based on their sexual orientation. Let's just clear that up. If you vote to veto this Bill, if you vote to sustain this veto, you are saying yes let's continue, let's continue the context that Jim Baines found himself growing up in. The context that there was no moral authority telling him that this is illegal in the State of Maine. Let's continue that context.

Now let's think about our context. Here we are, on a partly cloudy day. Have you ever thought about the kind of day it was when Lincoln signed the Proclamation to emancipate the slaves. Have you ever thought about the kind of day it was when the Congress down there in Washington, in 1964, took that bold stand to outlaw discrimination based on race. Do you think that that was easy for them. Do you think it was any different than it is today for us. Do you think that there was documentaries made or TV cameras following them and clips of Martin Luther King, Jr.'s speeches and the aura of respect and reverence that we now have for our leaders who have taken stands to free people in this country, like Lincoln and Martin Luther King, Jr. and Kennedy. No, it was exactly as it is for us today. It's a hard decision. It's a tough decision and yes some of our voters are going to be mad, and some of our voters are going to be freed. There's not going to be any TV cameras watching on us, there's not going to be any clips of us, this is just a tough decision. History, if we override this veto, will be kind to us, just as history was kinder to Lincoln than his fellow compatriots back in the 1800's and just as history is kinder to President Kennedy and President Johnson than their compatriots were at that point. Just as we all feel much more reverence for Martin Luther King, Jr. now than we did then, those of us who were alive at that point.

I cannot tell you how frustrating it is to be this close to passing this bill but for the actions of one man who I believe, and who many other people believe, is working out personal things of his own. You can help him out with that by overriding this veto and I hope that you do. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would call your attention to some of the reasons for the gubernatorial veto. One of which is "Historically,

the courts of our land have permitted governmental intrusion into this sensitive and emotion area only after concluding that the distinguishing characteristic of a person was worthy of constitutional protection. I am not persuaded that the merit of 'sexual orientation' warrants or justifies this further governmental intrusion." Well I say that the role of government is, indeed, to protect the general population, whatever the population is, poor, middle class, rich, small business, big business, low income groups, that's the role of government, to protect people physically and mentally. I think that harassment, murder, physical attacks as we saw happen against a father in son perceived to be homosexuals, they were physically attacked in my city, simply because they don't seem to fit the norm of what society expects today. That is, I think, a distinguishing enough reason to override this veto. Taken in the context that I said basically the same thing two years ago when we had the Bill before us, taken in the context of fathers who on goingly abuse wives and daughters, of supervisors who sexually harass, and that's very difficult to prove by the way, women employees, taken in the context of politicians who lie to get elected and then steal or misuse federal or campaign funds, I assure you that taken in these contexts people who have a loving, respectful relationship, law abiding people are no threat to our society. Not any more than if you start teaching atheism in public schools or private schools that that would make believers into atheists.

A couple of years ago I recall that I had a young visitor and she really gave me some good arguments and good reasons to vote for the Bill, which I did. She told me before she left that she hated to tell her mother that she had taken up a relationship with another woman. I told her that her mother would understand and she'll continue loving her. At Christmas I got a Christmas card from her, I hadn't heard from her in two years, and she said I want you to know that you made my day, my year really because I told my mother, finally, before Christmas and the mother was stunned and after a few moments I started to leave and the mother said may I hold you and hug you. So she said thank you Mrs. Berube. I give you my reasons why I'm voting to override. Thank you.

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of yes will be in favor of the Bill.

A vote of no will be in favor of sustaining the veto of the Governor

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAYS: Senators BEGLEY, CAHILL, CARPENTER,
FOSTER, GOULD, HALL, HANLEY, KIEFFER,
LUDWIG, LUTHER, MARDEN, SUMMERS, WEBSTER

Sent down for concurrence.

ABSENT: Senators None

22 Senators having voted in the affirmative and
13 Senators having voted in the negative, with No
Senators being absent, and 22 being less than
two-thirds of the membership present and voting, it
was the vote of the Senate that the veto of the
Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the
House.

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

Bill "An Act to Establish a Capital Access
Program"
S.P. 469 L.D. 1461

(In Senate May 6, 1993 **REFERRED** to the
Committee on **BANKING & INSURANCE** and **ORDERED
PRINTED**.)

On further motion by same Senator, referred to
the Committee on **HOUSING & ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

SENATE PAPERS

Bill "An Act to Clarify the Role and Purpose of
the Maine State Retirement System" (Emergency)
S.P. 466 L.D. 1458

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

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

Sent down for concurrence.

Bill "An Act to Amend the Professional Surveyors
Licensing Requirements" (Emergency)
S.P. 462 L.D. 1454

Presented by Senator **ESTY** of Cumberland
Cosponsored by Senators: **CIANCHETTE** of
Somerset, Representative: **HOGLUND** of Portland
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Register the Use of the Title of
Registered Interior Designer"
S.P. 467 L.D. 1459

Presented by Senator **BALDACCI** of Penobscot
Cosponsored by Senators: **BUSTIN** of Kennebec,
SUMMERS of Cumberland, Representative: **HILLOCK**
of Gorham

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

Sent down for concurrence.

Bill "An Act to Establish a Capital Access
Program"
S.P. 469 L.D. 1461

Presented by Senator **PINGREE** of Knox
Cosponsored by Representative **TREAT** of Gardiner
and Senators: **BUTLAND** of Cumberland,
CIANCHETTE of Somerset, **GOULD** of Waldo,
LUDWIG of Aroostook, **MCCORMICK** of Kennebec,
Representatives: **BOWERS** of Washington, **COLES** of
Harpwell, **CONSTANTINE** of Bar Harbor, **FARNSWORTH**
of Hallowell, **HEESCHEN** of Wilton, **HOLT** of Bath,
KILKELLY of Wiscasset, **MITCHELL** of Freeport,
SIMONEAU of Thomaston, **TOWNSEND** of Portland

(See Action Later Today)

Bill "An Act to Establish Minimum Regulatory
Standards for Insurers to Permit the Bureau of
Insurance to Seek National Accreditation"
S.P. 472 L.D. 1464

Presented by Senator **KIEFFER** of Aroostook
Cosponsored by Senators: **CAREY** of Kennebec,
MCCORMICK of Kennebec, Representative: **PINEAU**
of Jay
Submitted by the Department of Professional and
Financial Regulation pursuant to Joint Rule 24.

Which were referred to the Committee on **BANKING
& INSURANCE** and **ORDERED PRINTED**.

Bill "An Act Regarding Low-level Radioactive
Waste"
S.P. 463 L.D. 1455

Presented by Senator **TITCOMB** of Cumberland

Bill "An Act to Facilitate Oil Spill Cleanup
Operations" (Emergency)
S.P. 470 L.D. 1462

Presented by Senator **CONLEY** of Cumberland
Cosponsored by Senators: **BRANNIGAN** of
Cumberland, **LAWRENCE** of York, **SUMMERS** of
Cumberland, Representatives: **JACQUES** of
Waterville, **MARSH** of West Gardiner
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

Bill "An Act to Permit Collection of Public Assistance Overpayments by Administrative Process"
S.P. 471 L.D. 1463

Presented by Senator **BUTLAND** of Cumberland
(GOVERNOR'S BILL)
Cosponsored by Senator: **CAREY** of Kennebec,
Representatives: **BARTH** of Bethel, **KERR** of Old Orchard Beach

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

Sent down for concurrence.

Bill "An Act Concerning the Subject Matter of Referenda"
S.P. 460 L.D. 1452

Presented by Senator **BEGLEY** of Lincoln
Cosponsored by Representatives: **SIMONEAU** of Thomaston, **SPEAR** of Nobleboro

Bill "An Act to Make Changes in the Manufactured Housing Laws" (Emergency)
S.P. 461 L.D. 1453

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representatives: **BOWERS** of Washington, **DAGGETT** of Augusta, **STEVENS** of Sabattus

Bill "An Act to Simplify Procedures for Property Abandoned by Tenants"
S.P. 465 L.D. 1457

Presented by Senator **LAWRENCE** of York
Cosponsored by Senator: **HANDY** of Androscoggin,
Representatives: **BOWERS** of Washington, **DAGGETT** of Augusta

Bill "An Act Relating to Publication of Legal Notices" (Emergency)
S.P. 468 L.D. 1460

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

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

Sent down for concurrence.

Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1994"

S.P. 464 L.D. 1456

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

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

Sent down for concurrence.

ORDERS

Joint Resolutions

On motion by Senator **TITCOMB** of Cumberland (Cosponsored by: Senator **VOSE** of Washington, Representative **RYDELL** of Brunswick) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:
S.P. 473

JOINT RESOLUTION MEMORIALIZING CONGRESS TO CREATE A NATIONAL CHILD SAFETY AWARENESS WEEK

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, the care of children is a primary responsibility of all civilized societies; and

WHEREAS, it is vitally necessary that steps be taken to encourage awareness and to promote support on all aspects of child safety at all levels of governmental, educational, business, law enforcement and private sectors within each and every community within the nation; and

WHEREAS, combined effort and national awareness will help eliminate or discourage possible perpetration of any harmful or criminal nature towards any child; and

WHEREAS, the week preceding the beginning of a lengthy holiday season is appropriate as statistics suggest an incline of incidents involving missing and exploited children; and

WHEREAS, the children of this country are our "greatest national resource" and warrant protection necessary to ensure their healthy, happy lives; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to declare that the last week of October be recognized as "National Child Safety Awareness Week"; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Which was **READ**.

On motion by Senator **ESTY** of Cumberland, the Joint Resolution was **INDEFINITELY POSTPONED**.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree"

H.P. 971 L.D. 1302

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**.

The Committee on **EDUCATION** on Bill "An Act to Reapportion Maine School Administrative District No. 72" (Emergency)

H.P. 511 L.D. 669

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**.

The Committee on **ENERGY & NATURAL RESOURCES** on Resolve, to Establish a Land Swap in Carrabassett Valley

H.P. 632 L.D. 863

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

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

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

The Resolve **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Resolve, to Reduce the Administrative Costs of State Government (Emergency)

H.P. 487 L.D. 645

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-228)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-228) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Introduce Greater Efficiency in the Provision of Certain State Services" (Emergency)

H.P. 577 L.D. 781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-227) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (Emergency)

H.P. 786 L.D. 1059

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-226)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-226)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-226) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Permit Children 5 Years of Age to Enter Grade One"

H.P. 184 L.D. 236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-221)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-221) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills" (Emergency)

H.P. 191 L.D. 254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Correct Errors and Inconsistencies in the Growth Management Laws"

H.P. 388 L.D. 501

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-218)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-218) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Mooring Permits"

H.P. 469 L.D. 606

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-219)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-219) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HOUSING & ECONOMIC DEVELOPMENT on Bill "An Act to Amend the Maine Housing Authorities Act"

H.P. 407 L.D. 520

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-232).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-232) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HOUSING & ECONOMIC DEVELOPMENT on Bill "An Act to Foster the Bringing Together of Venture Capital and Innovative Business Ideas" (Emergency)

H.P. 531 L.D. 715

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-231).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-231) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Resolve, Concerning a Special Revenue Account for Emergency Medical Services

H.P. 527 L.D. 711

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-230).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-230).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-230) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on HUMAN RESOURCES on Resolve, Authorizing the Merger of MCD Residential Care, Inc., a Maine For-profit Corporation, with Medical Care Development, Inc., a Nonprofit Corporation

H.P. 562 L.D. 759

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-229).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229).

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

Committee Amendment "A" (H-229) READ and ADOPTED, in concurrence.

The Resolve as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on UTILITIES on Bill "An Act Related to Hook-up Fees for New Installations of Electric Heat"

H.P. 500 L.D. 658

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-223).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-223).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-223) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on **UTILITIES** on Bill "An Act to Allow Disclosure of Residential Electrical Costs" H.P. 685 L.D. 926

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-224)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-224)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-224) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Establish Maximum Interest Rates for Automobile Financing" H.P. 656 L.D. 894

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-212)**.

Signed:

Senators:

- MCCORMICK of Kennebec
- CAREY of Kennebec

Representatives:

- HALE of Sanford
- KUTASI of Bridgton
- CARLETON of Wells
- PINEAU of Jay
- TRACY of Rome
- TOWNSEND L of Canaan
- CAMPBELL of Holden
- RAND of Portland
- JOSEPH of Waterville
- ERWIN of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Senator:

- KIEFFER of Aroostook

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-212)**.

Which Reports were **READ**.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't enjoy being a long ranger on any bill but I have just seen so many of these that seem to come and go and do absolutely nothing that I just have to speak my mind in this particular case. This is another bill that when it is all said and done, all it did, to me, is waste the Committee's time. This Bill deals with the maximum interest rate that can be charged on automobile loans. The present law requires a maximum limit of 18% on new car loans, 21% on cars up to 3 years old, and 23 1/2% on cars older than that. When the amendment was attached to this Bill after a period of time in debate and discussion in Committee, this Bill now establishes a uniform rate of 18%. As anyone knows you can go out and borrow money on any vehicle today at anywhere, perhaps through a deal, from a low of 4% up to perhaps 8% or 9%. I really cannot see any reason for this kind of waste of time. I don't know how many hours, but it was several hours in the public hearing and in the discussion of this Bill and when the smoke comes up we have a maximum limit of 18%. What triggered this was apparently one customer, or perhaps two, that were sold an old automobile at some 25% interest. I have a hard time passing laws that only affect one or two people in the State of Maine. That's why I'm on this Bill, I just wanted an opportunity to express my displeasure with the waste of time, in my opinion, our times are all worth more than this kind of legislation. Thank you.

Senator **MCCORMICK** of Kennebec moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Aroostook, Senator Kieffer, for describing very well the issue behind this Bill. I guess that we just disagree on the degree of need that triggers legislative action and this amendment did not take all that much of our time because basically what happened is we had the two opposing sides get together and they compromised, which we always like in our Committee. In this case it was the Bureau of Credit Protection and Pine Tree Legal who came to the agreement of a compromise at 18% maximum. So I urge you to support the Majority Ought to Pass as Amended Report and I request a Division. Thank you.

Senator **MCCORMICK** of Kennebec requested a Division.

On motion by Senator **SUMMERS** 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 Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I apologize for coming in late on this matter but I feel that I can't let this go by without putting in at least a few remarks on the Record. I think when the State starts traversing into private enterprise and dictating how they conduct their business we are grossly overstepping our boundaries in terms of this type of

legislation. It's a matter of the free market. If an individual does not like the interest rates that a bank or a credit union is charging for an automobile loan then that individual simply does not have to patronize that place of business. I would urge the members to reconsider their action on this matter because I think that this is just a travesty in terms of government stepping into private industry and trying to dictate their actions. 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. Just briefly, the reason for this Bill is of course not to interfere in the affairs of business but to create a level of fairness in areas where there is not enough competition to keep interest rates down. This is a usury bill, that is a term you probably haven't heard since you read a book from the middle ages, but usury is something that throughout humankind has always been a problem. In this case we reached an agreement which the Committee was grateful for, a compromise between the parties, that 18% would be the maximum interest cap in our State. I think it's a good agreement. It takes care of the problems in rural areas where there is not enough competition and I urge you to support the Ought to Pass as Amended report. Thank you.

Senator **SUMMERS** of Cumberland requested and received leave of the Senate to withdraw his motion for a Roll Call.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MCCORMICK** of Kennebec, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

A Division has been requested.

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

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

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-212) **READ**.

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-118) to Committee Amendment "A" (H-212) **READ** and **ADOPTED**.

Committee Amendment "A" (H-212) As Amended by Senate Amendment "A" (S-118) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, to Require That Doctors of Chiropractic Be Included as Select Physicians in the Maine State Employees Health Plan (Emergency)

H.P. 1071 L.D. 1437

Bill "An Act to Provide Choice within the Maine State Employee Health Insurance Program" (Emergency)

H.P. 1078 L.D. 1444

Bill "An Act to Amend Statutory Provisions Regarding Risk Management Funds" (Governor's Bill)

H.P. 1086 L.D. 1465

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Relative to the Licensing and Training of Hoisting Engineers"

H.P. 1079 L.D. 1445

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

Which was referred to the Committee on **BUSINESS LEGISLATION** 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 Support Literacy"

H.P. 1068 L.D. 1434

Bill "An Act to Guarantee Equal Access and Nondiscrimination to All Students Enrolled in Approved Equivalent Instruction Programs"

H.P. 1069 L.D. 1435

Bill "An Act to Reapportion Maine School Administrative District Number 30" (Emergency)
H.P. 1072 L.D. 1438

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

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

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 Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews" (Emergency)
H.P. 1073 L.D. 1439

Bill "An Act to Establish an Ambient Water Toxins Program"
H.P. 1080 L.D. 1446

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.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Promote Long-term Economic Growth"
H.P. 1088 L.D. 1467

Comes from the House referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**.

Which was referred to the Committee on **HOUSING & ECONOMIC DEVELOPMENT** and **ORDERED PRINTED**, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Eliminate the Statute of Limitation in Child Molestation Cases"
H.P. 1070 L.D. 1436

Resolve, to Create a Pretrial Intervention Pilot Program for Sex Offenders
H.P. 1077 L.D. 1443

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Operation of Aircraft under the Influence of Intoxicating Liquor or Drugs"
H.P. 1084 L.D. 1450

Bill "An Act to Restrict Private Political Campaign Contributions in State Elections"
H.P. 1085 L.D. 1451

Bill "An Act Making Campaign Finance Reforms"
H.P. 1087 L.D. 1466

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 Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (Emergency)
H.P. 1083 L.D. 1449

Comes from the House referred to the Joint Select Committee on **RULES** and **ORDERED PRINTED**.

Which was referred to the Joint Select Committee on **RULES** 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 the Knox County Budget Committee"

H.P. 1075 L.D. 1441

Bill "An Act to Distribute the Power and Privilege of Serving in Elected Office"

H.P. 1076 L.D. 1442

Bill "An Act to Separate Peaks Island and Certain Other Islands in Casco Bay from the City of Portland" (Emergency)

H.P. 1082 L.D. 1448

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

Resolve, to Create the Committee to Establish a Tax Appellate System

H.P. 1074 L.D. 1440

Bill "An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code"

H.P. 1081 L.D. 1447

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

**Pursuant to Public Law
REVISOR OF STATUTES AND THE SECRETARY OF STATE**

The **REVISOR OF STATUTES AND THE SECRETARY OF STATE**, pursuant to Public Law 1991, chapter 844, section 5, ask leave to submit its findings and to report that the accompanying Bill "An Act to Place Appropriate Citations to Various Boards and Commissions within the Maine Revised Statutes, Title 5, Sections 12004-A to 12004-L"

H.P. 1089 L.D. 1468

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

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

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

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

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

Senate

Ought to Pass As Amended

Senator **LAWRENCE** for the Committee on **EDUCATION** on Bill "An Act to Create a Student Seat on the Board of Trustees of the Maine Maritime Academy"

S.P. 359 L.D. 1073

Reports that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-113)**.

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-113) **READ** and **ADOPTED.**

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

Bill "An Act to Limit Administrative Costs in Contracted Services" (Emergency) H.P. 436 L.D. 555 (C "A" H-214)

Bill "An Act to Amend the Law Pertaining to the Termination of Credit Insurance" H.P. 489 L.D. 647 (C "A" H-211)

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Limit Contributions Candidates May Receive from Political Action Committees" S.P. 180 L.D. 594

Bill "An Act to Amend the Provisions of the Probate Code Providing Filing Fees and Duties of Registers of Probate" H.P. 515 L.D. 673 (C "A" H-195)

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

Bill "An Act to Provide for an Open Season on Most Inland Fisheries in the State" H.P. 567 L.D. 772 (C "A" H-199)

Signed:

Senators:

CAREY of Kennebec
HALL of Piscataquis

Bill "An Act to Prevent Unauthorized Use of the Name Passamaquoddy" H.P. 584 L.D. 788 (C "A" H-210)

Representatives:

DAGGETT of Augusta
LEMKE of Westbrook
BOWERS of Washington
GAMACHE of Lewiston
STEVENS of Sabattus
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg
BENNETT of Norway

Bill "An Act to Extend Burial Eligibility for Dependent Children" H.P. 764 L.D. 1031 (C "A" H-213)

The Minority of the same Committee on the same subject reported that the same **Ought to Pass.**

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

Signed:

Senator:

HANDY of Androscoggin

Representative:

MICHAEL of Auburn

Senate As Amended

Bill "An Act to Provide for the 1993 and 1994 Allocations of the State Ceiling on Private Activity Bonds" (Emergency) S.P. 138 L.D. 429 (C "A" S-112)

Which Reports were **READ.**

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

Sent down for concurrence.

Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" S.P. 155 L.D. 486 (C "A" S-88)

SECOND READERS

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

Bill "An Act to Amend the Occupational Disease Law" S.P. 216 L.D. 687 (C "A" S-92)

House As Amended

Bill "An Act to Exempt Certain Greenhouse and Nursery Owners from Licensing Fees" H.P. 166 L.D. 218 (C "A" H-209)

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 Increase the Effectiveness of Child Support Enforcement

H.P. 108 L.D. 150
(C "A" H-144)

An Act to Improve Access to Dental Services

S.P. 85 L.D. 198
(C "A" S-83)

An Act Concerning Court Approval of Minor Settlements

H.P. 205 L.D. 267
(C "A" H-155)

An Act Related to Common Nuisances

H.P. 273 L.D. 351
(C "A" H-163)

An Act to Require Judges to Consider the Desirability of Financial Forfeitures

H.P. 379 L.D. 492
(C "A" H-157)

An Act to Continue the Maine Dairy Farm Stabilization Act

H.P. 381 L.D. 494
(C "A" H-169)

An Act Relating to the Theft of Utility Services

H.P. 427 L.D. 546
(C "A" H-158)

An Act to Modify Public Utilities Commission Practice and Rules of Evidence

S.P. 202 L.D. 638
(C "A" S-69)

An Act to Require That Purchasers of Used Cars Be Informed Whether the Cars Were the Subjects of Lemon Law Decisions

S.P. 223 L.D. 694
(C "A" S-67)

An Act to Prohibit the Display of Social Security Numbers on Credit Cards, Customer Service Cards and Debit Cards

S.P. 242 L.D. 735
(C "A" S-78)

An Act to Authorize Modifications to Tolls on the Maine Turnpike

H.P. 582 L.D. 786

An Act to Establish the Town Line between Vassalboro and China

H.P. 634 L.D. 865
(C "A" H-165)

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

Resolve

Resolve, 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)

On motion by Senator **BALDACCI** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-109) **READ** and **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **BRANNIGAN** of Cumberland, **RECESSED** until 4:00 p.m.

After Recess

Senate called to order by the President.

THE PRESIDENT: In reference to the action of the Senate on May 3, 1993, whereby it **INSISTED AND ASKED FOR A COMMITTEE OF CONFERENCE** on Bill, "An Act to Require Written Reason for Discharge, Demotion or Discipline." S.P. 106 L.D. 309

The Chair appointed as conferees on the part of the Senate:

Senator **HANDY** of Androscoggin.
Senator **ESTY** of Cumberland.
Senator **BEGLEY** of Lincoln.

The Secretary has so informed the Speaker of the House.

Emergency

An Act to Define Farmers' Market
 H.P. 265 L.D. 343
 (C "A" H-168)

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Actually I'm glad that this Bill was not taken up until this afternoon's session because it has given me a bit of an opportunity to clear up some of the objections I initially had with the legislation, with the Department of Agriculture, and with some people that are in the farmers' market business. I did want to ask to whomever could answer my questions a couple of concerns that I have. First of all, I understand that the reason for the Bill is to promote agriculture in the State of Maine and prevent people from going into the farmers' market business and using the farmers' market to lure people into an establishment and then finding out that they have one, not Maine farmers' market items and two, sometimes not traditional farmers' market items. I understand that and I guess I agree with that. I would like to ask a question about a couple of things. Included in farm and food products is fish and fish products and the question I would like to ask is if there was a farmers' market in Woolwich and I decided to buy a truck of lobsters from a fisherman down in my area, could I not sell those lobsters at the farmers' market because I didn't grow the lobsters or I was not in charge of harvesting the lobsters but I grew them from another individual. The next question I would like to ask is the reasoning behind having firewood and Christmas trees in the definition of farm and food products. Thank you.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Aroostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll take a stab at it. It's a simple little Bill in that it's simply truth in advertising. We had compelling evidence about people dumping on the supposedly Maine products at fairs where we want to control that. Specifically to respond to her ability to resell something that she bought I'd have to review the Bill and I haven't done that. 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. I had hoped for a better clarification from this because I'm going to have to vote against this legislation with that answer. I'd like to get this clarified and I'd like to know if I could sell lobsters at a farmers' market, that is something that is serious and something that is done fairly frequently in my district. The second item I would like to have answered before I vote on this legislation is why is firewood and why are Christmas trees included in the definition. The reason why I would like to know why firewood is included is if I bought firewood from

someone else could I set up in a farmers' market to sell firewood. The reason I would like to know about Christmas trees is because the farm stands are closed during the time of year that you would be buying Christmas trees and I'd like to know why that was in the definition. Hopefully someone could table this for maybe 1 Legislative Day so that we could clear up these very specific questions I have about the legislation. Thank you.

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

Emergency

An Act to Allow Service of Protective Orders on Sunday
 H.P. 367 L.D. 470
 (C "A" H-156)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with No Senators having voted in the negative, and 24 being two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Maine Nuclear Emergency Planning Act
 S.P. 152 L.D. 484
 (C "A" S-68)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

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

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Facilitate the Conduct of Business of the Maine Technical College System

H.P. 508 L.D. 666
(C "A" H-164)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

H.P. 726 L.D. 985
(C "A" H-166)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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 **LABOR** on Bill "An Act Regarding Family Leave"

H.P. 318 L.D. 406

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-178)**

Minority - **Ought Not to Pass**

Tabled - May 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 4, 1993, Reports **READ**.)

(In House, May 3, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)**.)

Senator **HANDY** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The act regarding family leave takes you back to when the law was enacted to the point of view that employers with less than 25 were exempted from the family leave conditions. That seemed to handle many of the employers in the State of Maine and that is undoubtedly why it was passed. This law has come back to us now and said that this minimum, or under the 25, would now be concerned with a single employer having 25, regardless of the site. When the law was passed it was considered an impact to have less than 25 and have an employee mandated family leave for what it might do to that particular position or employment, and it had some validity. Therefore, any employer with less than 25 could not be impacted by that condition. Now if you accept this Bill you will have no limits on how small a facility might be. It would be subject to Maine's family leave law. Offices, convenience stores, and other facilities with two, three, or four workers would be included if an employer has 25 or more employees anywhere in the State, from Kittery to Fort Kent. It is conceivable that you could have a particular employer with five workers exempted because of the impact in his business, you could go across town, or across river on the other edge of the county and you could have another employer with five employees, not be exempted because it happened to be an extension of a larger employer having probably five or six different stores that he was running. The impact is exactly the same. Whether or not he is a single owner or not the impact on his business would be such that he would be affected just as much as the employer who has only five across town. If the law is passed you are saying to employers, be careful how you expand and hire people because you may be caught up in a situation of numbers and not necessarily employment. We should be saying, particularly in these times, to anybody who is willing to employ people for the benefit of the State, regardless of that, please employ them. Do not cut back simply because the law says you're playing with a number. 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. The information that the good Senator from Lincoln shared with you, he shared it with you from the Maine Chamber of Commerce and Industries supposed fact sheet. I say supposed because at the very least there is quite a distortion in this piece of paper to imply, as it is on this sheet, that this bill would place an undue hardship on employers, must cover personnel in the work force, is small. To suggest offices, convenience stores and other facilities first of all, I don't know of many convenience stores, or stores that are truly convenience stores that have more than one site. If you're talking about the Big Apple stores across the state, of which there are many, probably one in each of our communities that we represent, if you're talking about many of the drug store chains, that's certainly not a convenience store or a small business for that matter. What we're talking about here is closing up a loop hole that currently exists in the State law to have a large business, that has 25 or more employees in aggregate, although they may be at

five, ten, fifteen or twenty sites throughout the State, to get around from complying with the family medical leave act. This closes that loophole, to say that if you are a business with more than 1 site, but if you meet that 25 employee threshold then you would come under the family medical leave act.

That's not small business folks, that's big business we're talking about here in the State of Maine. It's pretty straight forward and pretty simple and I ask for your support on it. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Begley.

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The comment of closing up a loophole is not what the original content of the Bill or the intent of the Bill was. The intent primarily was to protect an employer against an impact in his business. The loophole is again a numbered figure. The real concern is you may close the loophole but you may also close some stores. 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. I'm somewhat familiar with this Bill because I have actually been contacted by a constituent who came up and testified on the Bill. Her situation was like this, she and her husband had just adopted a child and she worked for a major insurance company, based out of state, but literally had, I think, a few hundred employees scattered across this State. The reason it is a loophole that is being closed is because in her instance, even though her employer had several hundred, and actually several thousand, employees she was at a work site that had less than 25. In that instance, even though another person in the company who was just on the other side of town or in a town close by, but was working for the same company that happened to have more than 25 employees at that particular site who had a child at the same time that she had adopted her child, she got the leave which is in the law and my constituent got fired. She was terminated. That is an issue of fairness to me and it really is closing a loophole. There are many who do not like the family leave act, that is something that has already been decided, the family leave act is already on the books and it makes a lot of sense for a lot of reasons which we need not get into here. The important thing is whether or not people are treated the same, treated fairly. In my constituents case she was obviously treated disparately compared to her fellow employee across town. That's why she cared enough to come up. She was a good employee, there was no other problem with her work, she was merely terminated because the family leave act did not apply to that particular work site. This proposal would close that loophole. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As we look at this Bill I want to share with the Senate a story which I think is pertinent and perhaps might interest this body. There's no question that anyone who looks at Maine knows that we have a very antibusiness climate. These are the kind of Bills that pass through this chamber, through the legislature and are

enacted into law, that give people outside of Maine the opinion that we are antibusiness. Whatever happens to this Bill today won't improve our image outside of our borders. I want to share with you a story because I think it's important and I think we ought to begin to look at how we look, the kind of Bills we pass through here and how we approach business and business issues in general.

I was visiting rural Maine, a factory in rural Maine about a month ago. Talking to this business group about taxes in Maine and a project I'm involved in. I sat there at a table with two business people who owned the factory and they explained to me that they were in a dilemma. They employed 48 people and they needed to start another shift but because of the magic number established by somebody somewhere, in this case the federal government, they were unable to hire the two more people they needed. Actually they needed 12 more people to have another shift but they were in a position where they could not afford and would not hire those additional 12 people because of all the rules and regulations that came from Washington, from government, forcing them to do a number of things that they did not have to do because they had less than 50 employees. Because of that there's a dozen people in this part of Maine who don't have a job. It's that simple. I asked these folks what they pay. They said they start at \$7.20 an hour. So there's at least a dozen people in Maine, unemployed because of government regulation.

These are the kinds of things that we ought to be looking at when we enact these kinds of laws. Working people are not being benefited by these kinds of laws if they are not working. I could do nothing but sympathize with these people, the plight of these 12 people in rural Maine who don't have a job because somebody somewhere decided we need more government regulation. I want the members of this Senate to think about that when you vote for this kind of legislation. Thank you.

On motion by Senator **CAHILL** of Sagadahoc, 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 Androscoggin, Senator Handy.

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The comments of the Senator from Franklin are really irrelevant to this Bill because he wasn't referring specifically to family medical leave. I submit that this Bill is not only pro-business but it's pro-family and we've heard a lot of rederick about family values and if you really believe in that then this is the kind of legislation you want to get behind. This provides for the children that we supposedly care so much about, it provides that their parent, one or the other, will be with them when there is a medical situation or in the early months of their life. Furthermore, the Small Business Administration commissioned a study in 1991 and that study was carried out by two very talented individuals, one from Cornell University and one from I believe the University of Connecticut and they showed in their survey, and I'll quote from the survey called "Leave policies in small business conducted through the Cornell Cooperative Extension", businesses with 16 to 99 employees report that the average cost of covering for a manager is \$481 compared with usual wages and fringes of \$512 per week. For non-managers, businesses with 100 or more employees report an average cost of covering for a non-managers work of

\$475 compared with the usual fringes and wages of \$377 per week. For businesses with 50 to 99 employees the comparable costs were \$326 for covering for non-managers work and \$325 for the usual fringes and wages. To the extent that firms terminate employees who would otherwise take leave the cost of leave are usually substantially lower than the cost of terminations. According to the surveys findings businesses that offer formal leave policy experience both a lower rate of terminations for illness, pregnancy and childbirth and a higher rate of leave taking. This is a pro-business bill and maybe today we could all vote pro-business. Thank you.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

President **DUTREMBLE** of York who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **LUTHER** of Oxford who would have voted **YEA**.

Senator **CAREY** of Kennebec who would have voted **NAY** requested and received Leave of the Senate to pair his vote with Senator **BUSTIN** of Kennebec who would have voted **YEA**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BERUBE, BRANNIGAN, CONLEY, ESTY, HANDY, LAWRENCE, MCCORMICK, O'DEA, PARADIS, PINGREE, TITCOMB, VOSE**

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

ABSENT: Senators **BALDACCI, CLEVELAND**

PAIRED: Senators **BUSTIN, CAREY, LUTHER, THE PRESIDENT - DENNIS L. DUTREMBLE**

12 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators having paired their votes and 2 Senators being absent, the motion of Senator **HANDY** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

Bill "An Act to Clarify That the Existing Sales Tax Exemption for the Aquaculture Industry Extends to Seaweed and Other Marine Plant Growers"

H.P. 518 L.D. 702
(C "A" H-202)

Tabled - May 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, May 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-202), in concurrence. Subsequently, **RECONSIDERED**.)

(In House, April 29, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-202).)

Which was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents

H.P. 87 L.D. 241
(H "A" H-171)

Tabled - May 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, May 3, 1993, **PASSED TO BE ENACTED**.)

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

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

SENATE REPORTS - from the Committee on AGRICULTURE on Bill "An Act to Extend the Repeal Date of the Laws Governing Biosynthetic Bovine Somatotropin" (Emergency)

S.P. 198 L.D. 634

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-105)

Minority - Ought Not to Pass

Tabled - May 4, 1993, by Senator ESTY of Cumberland.

Pending - ACCEPTANCE of Either Report

(In Senate, May 3, 1993, Reports READ.)

Senator PARADIS of Aroostook moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report.

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

Senator PARADIS: Thank you Mr. President, Ladies and Gentlemen of the Senate. My relationship with our bovine friends are decades old. We always had a Bessie, Flossie, Ellie or whatever in our backyard and we treated them pretty well. Also we needed to co-habit almost, with a herd of cows that resided across the driveway from my house. My dad, wishing to protect us from the summer smells, erected this artificial bornage, we called it. He felled all these tall trees and he just branched them up together so that it would make a nice line that would protect us. However, we had a neighboring bull that used to like to invade this little pasture and he was forever tearing down my dad's nice row of trees. I am from an extremely rural area and we did live with these situations and it was an interesting diversion in our long, boring rural summers. Two years ago I voted for the ban because I listened to a colleague that I judged to know more about this than I did. This year, as Chair of the Agriculture Committee I educated myself and the more I heard the more I became convinced that Maine was being asked to do what the federal government should be doing right now. We listened to Mr. Benji Grant for example, who said that the only reason that he, one of four major producers in the State, a buyer and distributor of milk, the only reason he was ever going to go for a temporary ban was because Maine dairies and Maine dairy farmers tend to be negatively impacted rather dramatically because of the Gerry Rifkin pure food campaign that is adamantly opposed to BST and they forced these individuals to sign this little piece of paper telling them that if they didn't that they were going to be boycotted and Maine would be in big trouble. Mr. Grant mentioned on March 31 that the repeated use of Maine with this ban on and off, a product that is not on the market yet, heightens the negative media hype against milk consumption. That is something which I believe should be avoided. More or less he is saying that we in Maine don't want to be sticking out like a sore thumb up here, doing something that nobody else in the country is asked to do. I'm very sensitive to the continual attacks on this legislature as being anti-business and I think us passing legislation that would ban something that's not even anywhere yet, it's still not approved at the federal level, being the only state to do so is just an incredible leap of faith. My home was

surrounded by potato fields and right now we do have, as you know, a study that is going on to develop a better and healthier potato that would be pest resistant and therefore we would be avoiding very expensive and possibly unsafe pesticides. The same company that's terrorizing the dairy farmers right now are threatening that the vegetables are going to be next and that there is no way that they will allow this. They'll do the same kind of negative campaign to not allow the potatoes to be developed. The safety of this issue has been proven. I did study, I don't too much about selling lobsters on the roadside but I did do my homework on this piece and there is no question about it that it is very safe. I feel the feds should be worrying about it. I feel this is not the time for government intrusion.

If the FDA finally approved and something happened that the economics of our farmers would be impacted or anything, I'd be the first one on this floor leading the charge against it. We can respond as a government, we have, the county farmers yesterday had their case heard by the U.S. government and they finally got some money to help them out. Again, we have dispelled all the inuendo about the disease and economic impact and I urge your support of my motion to not pass this ban one more time. 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 certainly have no intention at all of ever voting against anything that will hurt our dairy industry, but it is hard for me to understand how this continuation of the moratorium will in fact hurt their business and if they have no market for their milk, as the three major dairies in the State, have at least written to me and I'm sure to the rest of you stating that they are not purchasing milk that contains this chemical at this time. However, I am concerned about our potato industry as well and I'd like to read you just a paragraph from a letter which I received. "BST is not the only issue addressed by this legislation. Future bio-tech products may face the same moratorium when they are federally approved if this law is continued. Potato growers are awaiting the release of new bio-engineered Colorado potato beetle resistant potato variety which could dramatically reduce pesticide use. If Maine farmers have to allow their competition to use products that they are banned from using then Maine's agricultural economy will continue to struggle." We have an experimental potato station operated by the University of Maine outside of Presque Isle, they do experimental work in the bio-tech industry and they are attempting to produce disease resistant strains. I believe that under the conditions that exist today this is well worth not continuing this moratorium and I would urge you to support the Senator from Aroostook. Thank you.

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

Senator TITCOMB: Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the first thing that needs to be made very clear is that this issue is not concerned with the potato product. This issue is concerned specifically with the dairy industry in the State of Maine. You will all, no doubt, have on your desk a letter that was distributed this morning by myself from the Maine Farm Bureau Association. This letter very clearly

states "the Maine Farm Bureau, the state's largest general farm organization of 5000 members representing over 600 dairy farmers, favors LD 634. This Bill will extend the moratorium on BST until February 1, 1994. Our decision to support the continuation of the moratorium is based on kitchen meetings of dairy farmers throughout the state. The reasons for these decisions are as follows, and there are three specific areas. We can debate whether it's good for the herd, whether it's good for the milk, who it harms, who it doesn't harm. I think the three issues that the dairy farmers have raised cut right to the center of the debate. Number one, Maine dairy farmers are extremely concerned about the potential reluctance by consumers to purchase milk from BST treated cows. This concern is very real following the damage to the Maine apple industry by the Alar scare. Maine has the highest per capita consumption of milk in the nation. Maine's dairy farmers do not want to jeopardize this achievement. A research polling that was done on the national level indicates that there would be a 10% reduction in consumption of milk if BST were imposed upon cow herds. Number two, dairy farmers are already producing a surplus of milk. With more milk being produced by BST treated cows many Maine family dairy farmers will be financially squeezed and forced out of business. Number three, many dairy farmers are concerned about the increased stress on cows and the accompanying need for antibiotic medication. More information is necessary on the effects of BST on herd health. Maine Farm Bureau supports bio-technology. In our opinion however, LD 634 is not a vote for or against bio-technology. The passage of LD 634 merely extends the moratorium until more information can be obtained. We feel the passage of LD 634 is in the best interest of Maine's dairy farmers."

It was interesting to hear concern about how we will impact business. I am very concerned about business. I'm extremely concerned about Maine's businesses that we now have in place. The Maine dairy industry is a fragile industry. It is very concerned about the use of BST on its herds. I would think that the least that we could do, at the request of Maine's milk industry, is allow them a few months to get together and determine how they are going to deal with the artificial hormone BST when it is unleashed on the market, which is expected to be sometime in late summer or early fall, allow them the few short months, until the end of January, to get together to decide how they are going to deal with this issue. For those people who have become confused by the issue I've got to tell you that knowing it fairly well, and knowing how it has transpired over the last couple of years, I even have become confused in the discussion.

The ban was put on the use of BST last year. That ban ran out in February. This bill seeks to reinstate that temporary ban until the first day of February this next year. It is expected, as I said, that the Food and Drug Administration will be approving the product at the end of the summer or in early fall. It is very important to note no matter what their reasons, and certainly the heavy lobbying that has been done on the national level was not part of our agenda of trying to scare anyone on this debate. The fact is that the four major dairies that receive milk from Maine's dairy farmers, Hood, Oakhurst, Grants and Westlyn, have all said that they do not want milk with BST. Even that is not the issue. That's a debate that the dairy industry and the milk consumers and all of those interested parties across the State are going to need to discuss after the ban is taken off nationally on BST. The

issue right now, there are several that I think we need to consider. One is the public perception. On the national level 98% of the people said that if BST herds were used to produce milk they would want the milk labeled. There are indications that there would be at least a 10% reduction in the consumption of milk on the national level. Economically when you have an increase in milk production, in this case I've seen projections of anywhere from 3% to 30%, I don't know what that figure is, but when you have a milk market that is already flooded and you increase it say by 15%, the prices are going to go down. Dairy farmers are very concerned about that. The last issue that I would suggest is there is great public concern about the number one product that our children consume. That is milk. I do not suggest that BST should remain off Maine's markets for good, what I do suggest is that the dairy industry has asked us to give them until the first day of February of next year, they want to get all of their information together, they want to see the rules and regulations that are promulgated if the Food and Drug Administration does put this forth as a product that they can use, and they want to be able to lay out their ground plans for how they are going to address the issue of BST in Maine's milk. Economically the whole economic discussion about BST has been a secondary issue. If we're concerned about business in Maine it should not be. I am very interested in bringing in new technology for potato farmers, I am very interested in bringing in new technology for our dairy farmers, but I want you to know that I am very interested in what the dairy farmers have to say. Right now, of all the polling that we have done, 89% of Maine's dairy farmers do not want to use BST. That's their discussion and that needs to take place later on in this debate. I would suggest some time at the end of January in this next year. What they do want is a little leeway time so that they can make those plans well.

I would ask you to vote against the motion that we have before us and then go on to support the moratorium until February 1 of this next year. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Pingree.

Senator PINGREE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to rise in support of the good Senator from Cumberland and suggest that you should support the Majority Ought to Pass Report. I agree with Senator Titcomb that this is an economic issue. I, along with the other members of the Committee, sat there and listened to hours of testimony. Many arguments told us that this was a harmless drug, it's in your saliva, it's a hormone that we produce as well, that it's not a problem and nothing that we should be worried about. I also listened to hours of testimony that told us it would increase the incidence of mastitis in cows which means there would be more antibiotics in our milk. I heard people say that it would be hard on the animals and as the woman I stay with, who runs a dairy farm, says "cows today are just a toothpick and an udder anyway, this would make it even worse." I think those are the details that the Committee should be going through and not the issue that we have to argue today. I think the issue is how this is an economic issue, how we look at it in a broad based way as public policy and not the narrowly focused question about this one drug.

There are people who would say that if you don't go along with this drug you're back in the horse and

buggy era and you don't support progress. Since everybody else is talking a little bit about their cow history I think it's important that I clue you in about my history with cows. I grew up in a family that had a dairy farm although I grew up in the city. When I moved to Maine I made sure that I got a dairy cow and I milked one for years. Every morning I got up and I would go out in the barn, I would bring my babies out in the barn and put them in a playpen and I would lean up against the cow and milk them by hand, it was a little bit horse and buggy. I would hope that they wouldn't put their foot in the bucket which they often did. Just so you don't think that I'm trapped back in the era of handmilking, as the years advanced on our farm we got involved in the bio-tech industry ourselves. I spent ten years raising antibodies in the blood of cows, sheep and goats and tapping blood out of my animals once a week or once a month, depending on the animal, and selling those antibodies to the bio-tech industry in South Portland. As Chair of the Economic Development Committee I see this as an important and growing industry in this State and I wouldn't want to do anything that would harm it and personally would support that.

I think another thing that people will say is that if you don't support this Bill you're going against a major chemical company that spent a lot of research and development dollars and will spend more in this state. I don't think that's our problem, if these are good R & D dollars or if they're bad R & D dollars. That's a risk a business takes and that's something that they have to decide how to handle. I do think it is our public policy question about how we're going to protect two important resources in our State. That is the small and medium sized farms who have asked us over and over again not to support this product and the public perception of milk, which Senator Titcomb has spoken well to. As she said, an overwhelming number of farmers said no, we don't want to use this product. As someone who sits on the Marine Resources Committee and thinks a lot about statewide resources I think it is an appropriate role in this State to say we're going to protect a resource, we're going to make sure it's handled well. This year we had hundreds of sea urchin divers come to us and say listen I can't stop diving for sea urchins all summer because I don't want to be the only person who's not out there diving, but you can close the season and you can make it easy on me so that I don't have to lose my income while everybody else is still making money. Farmers are saying to us I don't want to use this product but if everybody else does and the milk supply goes way up I'll be in a position where I have to use it. I think that's a public policy question. I think it's an agriculture economy question, that's much more a part of the big issue then whether this drug is safe or not. Everybody knows we have an oversupply of milk and a depressed price to farmers, I think it's a good opportunity for us to make a statement saying we do not support this milk oversupply.

Although we're not prone to do them this session the Senate often sponsors Resolves to Congress and says this is what we think should happen. We spend, in this country, \$9 billion on our milk surplus. Do we want to encourage a drug that is only going to increase that surplus by more today. I don't think that in the future we're going to be able to debate every bio-tech drug that comes to the State of Maine on the floor of the Senate. I think there are some good proposals in front of the Senate this year to ask the Bio-tech Commission to look over each of these drugs. In the future I think if that becomes a

broad based commission that includes agricultural economists, includes people who care about consumer health, then we can turn these questions over to them. The fact is this question is before us and I think it's a matter of public policy and it's a matter of concern for our economy and for the concern of small farmers and the important resource of milk. We should support continuing this ban until we've set up the commission and until we are ready to see what the FDA reports. I hope you'll support the Majority Ought to Pass recommendation. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We don't presently have a ban. It is expired and it really didn't matter did it. We haven't seen the world fall apart. The drug has not been approved by the FDA as of yet, it does not exist out there so as far as I'm concerned it's a non-issue. I am responding very strenuously to the fact that our dairy suppliers and farmers have been forced into this signature that they will never, ever in their whole lives use this product. Their concern is that if we keep doing these bans and undoing them we will be causing our State to be very adversely affected. When we have a product before us then we should make a decision on it. As far as drugs are concerned I really have no idea who developed the drug that is keeping my 80 year old mother alive with her congestive heart failure. There is research going on as we speak and I'm sure that company right now is making big bucks but I could care less about it. I was pleased that that's not really the issue, that they're allowed to develop whatever they want to develop. I think we should let the market decide this when the time comes. If this drug or hormone or protein, as it's called, does allow a cow to produce more milk, instead of having 15 cows a person could get around with 12 and there should be a cost savings there. The idea of a surplus milk supply is one that's going to be dealt with with the dairy industry continually at the national and state level and I don't think this is an argument that holds ground here. Again, we don't have a BST protein in front of us, it does not exist right now and for us to call attention, to make Maine stand out, one of fifty, and call this negative attention upon ourselves over and over I think could be very devastating to the state.

It cannot even be detected in the milk. You can't test for it. It could be brought into the state and we would never know it. If you go into any store and pull dairy products off the shelf, they are from all over the country. If we think we can put a wall at Kittery that will stop this stuff from coming in, if ever it gets approved, we're deluding ourselves. Thank you.

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My district is probably the strongest dairy district in the State of Maine. That is in Albion, Benton, Clinton, Skowhegan, and Winslow. I have had more calls from constituents, dairy constituents, on this BST program than any other thing that has come before this Senate. The dairy people, 90% of them are opposed to having BST. They want to have this prohibition continued for another six or seven months. That's kind of contrary to my belief, I think if there's something that will help the farmer produce more milk

we should go with it. I'm talking to business people who get hundreds of thousands of dollars tied up in their business and I defy this Senate or this Legislature to override 90% of them who say they don't want to use BST. I'm here to appeal to you to go along with the Majority Report on this Bill. Just a step farther on it, the USDA have not approved this yet and everybody says it's going to be approved. The big fear of the farmer is number one, that the dairies have said we will not buy your milk, believe me I don't believe that. Their out to sell milk and if they have to put on another production line to supply pure milk to the people who want it and charge more money than the one that's got BST in it I believe they'll do it. All I'm asking is when this is approved by FDA this is going to be put on the market in New York City and Boston and the metropolitan areas. The Maine farmer will know within two months whether the public will rebel against this, they won't buy the milk. I urge you to go along with the Majority Report and continue the ban for just six more months and see what happens to the market. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **PARADIS** of Aroostook, to **ACCEPT** the Minority **OUGHT NOT TO PASS REPORT**.

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.

9 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **PARADIS** of Aroostook, to **ACCEPT** the Minority **OUGHT NOT TO PASS REPORT**, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

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 **BUSINESS LEGISLATION** on Bill "An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority"

H.P. 490 L.D. 648

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-176)**

Tabled - May 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 4, 1993, Reports **READ**.)

(In House, May 3, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**.)

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

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

Bill "An Act to Amend the Laws Governing the Task Force on Defense Realignment and the Economy" (Emergency)

H.P. 194 L.D. 257
(C "A" H-177)

Tabled - May 4, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 3, 1993, **READ A SECOND TIME**.)

(In House, April 27, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**.)

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

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

COMMUNICATIONS

The Following Communication: S.P. 479

116TH MAINE LEGISLATURE

May 6, 1993

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Robert E. Crowley of Kennebunk for appointment as a Justice of the Maine Superior Court, pursuant to the Constitution, Article V, Part 1, Section 8.

Stephen L. Perkins of Windham for appointment as a Active Retired Justice of the Superior Court, pursuant to Title 4, MRSA Section 104.

William R. Anderson of Morrill for appointment as Judge, District Court III and Thomas E. Humphrey of Sanford for appointment as Judge-at-Large of the Maine District Court, pursuant to Title 4, MRSA Section 157.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and referred to the Committee on **JUDICIARY**.

Sent down for concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance"

S.P. 267 L.D. 804

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-114)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-114) **READ** and **ADOPTED**.

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

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers"

S.P. 354 L.D. 1068

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-115)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-115) **READ** and **ADOPTED**.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the Charter of the Northern Maine Regional Planning Commission"

S.P. 140 L.D. 431

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-117) **READ** and **ADOPTED**.

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Regarding County Contingent Account Limits"

S.P. 286 L.D. 856

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

GRAY of Sedgwick
DUTREMBLE of Biddeford
WALKER of Blue Hill
AHEARNE of Madawaska
JOSEPH of Waterville
YOUNG of Limestone

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-116).**

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

BENNETT of Norway
LOOK of Jonesboro
ROWE of Portland
KILKELLY of Wiscasset

Which Reports were **READ.**

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

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

Senator **SUMMERS**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I just wanted to put a few remarks on the Record regarding the debate today on L.D. 246. I feel very strongly that this body has a lot to be proud of in the way the debate was discussed and conducted. I think that although there are many people in this room that feel the ultimate disposition of that piece of legislation was not to their liking I certainly think that people on both sides of this issue have come a long way. I do believe that out of this discussion there can be common ground met and I certainly commend this body for it's efforts in that action. Thank you.

On motion by Senator **CONLEY** of Cumberland, **ADJOURNED** until Monday, May 10, 1993, at 4:00 in the afternoon.