

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 2, 1992 to May 18, 1993

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

In Senate Chamber
Monday
May 10, 1993

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

Prayer by Reverend Robert Hargreaves of St. Mark's Episcopal Church in Augusta.

REVEREND ROBERT HARGREAVES: This is an adaptation of the prayer used at every sitting of the House of Commons in Great Britain since 1578. Let us pray.

Almighty God by whom alone governments exist and decree justice, and from whom alone comes all counsel, wisdom and understanding. We, your unworthy servants, here gathered together humbly ask you to send down the heavenly wisdom from above to guide us in all our deliberations. Grant that we, having the awe of you always before our eyes, and laying aside all private interests, prejudices and partial affections, the results of our counsels may be the glory of your blessed name, the maintenance of true spirituality and justice, the public welfare, peace and tranquility in our State, and the uniting and knitting together of the hearts of all the people of Maine in true love and charity towards one another. This we pray in your holy name, in whom and for whom we live and move and have our very being now and forever. Amen.

Reading of the Journal of Thursday, May 6, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Extend to Land Surveyors the Limitation of Actions That Applies to Design Professionals"

H.P. 44 L.D. 60
(C "A" H-154)

In Senate, April 29, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154) AS AMENDED BY HOUSE AMENDMENT "A" (H-237)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Increase the County Share of the Government Operations Surcharge Fund"

H.P. 97 L.D. 139

Majority - **Ought Not to Pass**

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

In House, April 13, 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-114) AS AMENDED BY HOUSE AMENDMENT "A" (H-145)** thereto.

In Senate, May 4, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body **ADHERED**.

Senator **BERUBE** of Androscoggin moved that the Senate **INSIST**.

Senator **CAHILL** of Sagadahoc moved that the Senate **RECEDE** and **CONCUR**.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **CAHILL** of Sagadahoc that the **RECEDE** and **CONCUR**.

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **CAHILL** of Sagadahoc, to **RECEDE** and **CONCUR**, **PREVAILED**.

Non-concurrent Matter

Bill "An Act to Establish an Automobile Recycling Permit"

H.P. 255 L.D. 334
(C "A" H-143)

In Senate, April 27, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143) AND HOUSE AMENDMENT "A" (H-239)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

REPORTS - from the Committee on **LABOR** on Bill "An Act to Promote Equity in Wages and Benefits in Public Contracts with Private Contractors"
S.P. 142 L.D. 433

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-104)**

Minority - **Ought Not to Pass**

In Senate, May 3, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104)** in **NON-CONCURRENCE**.

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

Senator **CAHILL** of Sagadahoc requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **ESTY** of Cumberland, that the Senate **RECEDE** and **CONCUR**.

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.

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **ESTY** of Cumberland, to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **CAHILL** of Sagadahoc, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

Bill "An Act to Amend the Laws Concerning Emergency 911"

S.P. 452 L.D. 1419

In Senate, May 3, 1993, referred to the Committee on **LEGAL AFFAIRS** and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **UTILITIES** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

Joint Resolution

The Following Joint Resolution: H.P. 1090

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ESTABLISH APPROPRIATE BURIAL SPACES FOR MAINE'S VETERANS

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, there currently exists a critical shortage of burial spaces for Maine's veterans, a problem which promises to worsen in the future; and

WHEREAS, the nearest national cemetery is in Massachusetts, too far away for central and northern Maine veterans and their families; and

WHEREAS, the Maine Veterans' Memorial Cemetery is open only to those veterans who served during specific time periods, specifically war-time service; and

WHEREAS, the few remaining spaces at the Togus Veterans Administration cemetery are reserved only for veterans who have reservations on file; and

WHEREAS, there are currently 2 bills before the Congress of the United States making National Guard and Reserve members eligible for burial in national cemeteries, which would further compound the need for burial spaces; and

WHEREAS, the closing of the Loring Air Force Base in 1994 creates an opportunity to establish a national or state cemetery and as the portion of land needed for a cemetery, 80 acres, is a small percentage of the land available; and

WHEREAS, the United States Veterans Administration is in the process of identifying areas in greatest need of a national cemetery and submitted a report in January 1993 to the Congress of the United States; and

WHEREAS, the possibility now exists of receiving federal funds from the Veterans Administration for establishment of a new state veterans' cemetery; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to direct the United States Veterans Administration to recognize the problem of proper burial space for Maine's veterans and to provide a solution to that problem by establishing a national cemetery in Maine or, in the alternative, by providing the necessary federal funding for a state veterans' cemetery; 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 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**.

On motion by Senator **SUMMERS** of Cumberland, the Senate **RECONSIDERED** its action whereby it **INDEFINITELY POSTPONED** the Joint Resolution in **NON-CONCURRENCE**.

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

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

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.

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** the Joint Resolution, **FAILED**.

Which was **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

**MAINE EDUCATION SERVICES
526 WESTERN AVENUE
AUGUSTA, MAINE 04332**

April 29, 1993

Sen. Dennis L. Dutremble
President of the Senate
State House Station #3
Augusta, Maine 04333

Dear President Dutremble:

Pursuant to Chapter 417A, Subsection 11427, 20A MRSA, I am forwarding to you the fifth annual report and financial accounting of the Maine Educational Loan Authority (MELA).

A "Mela Program Highlight" annual report was also forwarded to the Honorable John R. McKernan, Jr., Governor of the State of Maine and Mr. John L. Martin, Speaker of the House of the State of Maine.

From July 1, 1992 through March 31, 1993, the Authority served more students than ever by disbursing over eight and a half million new dollars in loan funds. We anticipate loaning an additional half million dollars before the end of the academic year. Since the inception of the program in 1988, MELA funds have been utilized by over 7,400 students and their families with loans of over thirty-seven million dollars of private capital.

The attached report provides MELA program information for the past year in greater detail. It is worthwhile noting that MELA's loan approval rate increased during the 1992-93 academic year, from 73 percent to 77 percent, and that the average loan amount increased from \$6,492 to \$7,175. More funds are being used by students attending Maine colleges, and more private colleges in and outside the State are using MELA funds.

The MELA program continues to meet the growing financial need of Maine students and their families for addressing the increasing cost of higher education. With the economic climate our citizens are living through, it is anticipated that the MELA program will be called upon frequently in the future. We are looking forward to achieving new efficiencies in the program and continually exploring new ways to better serve the people of Maine.

In May of 1992, we refunded our initial thirty-five million dollar bond issue as well as creating new money to a total of sixty million dollars.

This ensures an adequate supply of loan dollars in the program for the next few years. With the low-interest rate we achieve for borrowers, we continue to believe that Maine has the best supplemental education loan program in the nation! Of that, we are extremely proud.

The Authority recently completed its fifth financial audit by an independent certified public accounting firm, KPMG, Peat Marwick. Their audited financial statements are enclosed for your reference. We wish to thank you for your consistent interest and support for the Maine Educational Loan Authority. We will continue to promote and assist higher education needs for the students and families of our state whenever and wherever the opportunity presents itself.

Sincerely,

S/Richard H. Pierce
Executive Director

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

public hearing at which time interested parties may appear and be heard. The final plan and order for apportionment shall be issued on or before June 30, 1993.

The Following Communication:

**SUPREME JUDICIAL COURT
DOCKET NO. SJC-93-229**

**IN RE APPORTIONMENT OF THE
MAINE HOUSE OF
REPRESENTATIVES, SENATE, AND
CONGRESSIONAL DISTRICT**

PROCEDURAL ORDER

Pursuant to the Constitution of Maine, Art. IV, Part 1, section 3 and Art. IV, Part 2, section 2 and 21-A M.R.S.A. section 1201(7)(D), the Supreme Judicial Court is required to apportion the House of Representatives, the Senate, and the Congressional Districts.

Interested parties may file proposed plans of apportionment and supporting briefs with the Executive Clerk of the Supreme Judicial Court, James Chute, Cumberland County Courthouse, P.O. Box 368, Portland, Maine 04112, on or before the close of business on June 1, 1993. Submissions should be based on 1990 Federal Decennial Census data, including data for counties, cities, towns, census tracts and blocks or voting districts, and must include the name and address of the person (or persons) submitting the plans. If possible, submissions should also comply with the following requirements in order to facilitate consideration by the Court and computer-assisted analysis:

1. Eight (8) copies of plans and briefs shall be submitted.
2. Plans drawn on federal census block data should clearly show boundaries and district numbers of each district proposed in the plan.
3. A listing of the total population and minority population (if relevant to the submission) of each district in the plan should be submitted for verification.
4. Submitted plans should be drawn on paper maps with accompanying data submitted in chart form. Briefs should be submitted in the form specified by the Maine Rules of Civil Procedure.
5. The plans should be based on voting districts census blocks, or tract data in conformance with federal decennial census data provided by P.L. 94-171.
6. Submitted plans should be defined in terms of census data geography.
7. Plans in electronic data format (created and archived by "Geo District") will be accepted by the Court for consideration if accompanied by paper copy of all files contained in the tape or diskette.
8. Plans submitted shall be open for public inspection at the office of the Executive Clerk.

As soon as possible after the receipt of proposed plans of apportionment, the Court will publish a tentative plan of apportionment and will schedule a

For the Court,

Date: May 7, 1993

S/Daniel E. Wathen
Chief Justice

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

SENATE PAPERS

Bill "An Act to Identify Laboratories Subject to the Laboratory Certification Program" (Emergency)
S.P. 481 L.D. 1479

Presented by President **DUTREMBLE** of York
Cosponsored by Senator **CARPENTER** of York and
Representative: **FARREN** of Cherryfield
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Reduce Energy Costs and Improve the State's Air Quality"
S.P. 482 L.D. 1480

Presented by Senator **CLEVELAND** of Androscoggin
Cosponsored by Representatives: **CASHMAN** of Old
Town, **HOLT** of Bath, **KONTOS** of Windham

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

Sent down for concurrence.

Bill "An Act to Increase Tourism Visits and Tourism Revenues for the State" (Emergency)
S.P. 480 L.D. 1478

Presented by Senator **HARRIMAN** of Cumberland
(GOVERNOR'S BILL)
Cosponsored by Representative **ZIRNKILTON** of Mount
Desert and Senators: **PINGREE** of Knox, **SUMMERS**
of Cumberland, Representatives: **CARROLL** of Gray,
CONSTANTINE of Bar Harbor, **DEXTER** of Kingfield,
KERR of Old Orchard Beach, **KONTOS** of Windham,
PINEAU of Jay, **SULLIVAN** of Bangor

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

Sent down for concurrence.

Bill "An Act to Provide Relief to Families Facing Nursing Home Expenses"

S.P. 483 L.D. 1481

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

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

Sent down for concurrence.

Bill "An Act to Provide Statutory Procedures for
Grievances against Attorneys"

S.P. 474 L.D. 1473

Presented by Senator **HARRIMAN** of Cumberland (By
Request)
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Transfer the Responsibility
for Recounts of Elections to the Judicial Branch

S.P. 475 L.D. 1474

Presented by Senator **CAREY** of Kennebec
Cosponsored by Representative **STEVENS** of Sabattus
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.

Bill "An Act to Implement the Recommendations of
the Special Commission on Electoral Practices"

S.P. 478 L.D. 1477

Presented by Senator **CAREY** of Kennebec
Cosponsored by Representative **STEVENS** of Sabattus
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 Establish Economic Recovery Tax
Credits"

S.P. 477 L.D. 1476

Presented by Senator **ESTY** of Cumberland
Cosponsored by Representative **DORE** of Auburn and
Senators: **BALDACCI** of Penobscot, **BERUBE** of
Androscoggin, **CIANCHETTE** of Somerset, **O'DEA**
of Penobscot, Representatives: **BOWERS** of
Washington, **GWADOSKY** of Fairfield, **HOGLUND** of
Portland, **KERR** of Old Orchard Beach

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

Sent down for concurrence.

Bill "An Act to Deregulate Consumer-owned Water
Utilities"

S.P. 476 L.D. 1475

Presented by Senator **VOSE** of Washington
Submitted by the Public Utilities Commission
pursuant to Joint Rule 24.

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

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

H.P. 827 L.D. 1113

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.**

The Committee on **LEGAL AFFAIRS** on Bill "An Act
Concerning Suspension of Registrations under the
Operating-under-the-influence Laws"

H.P. 694 L.D. 935

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Eliminate the Automatic Issuance of Conditional Withholding Orders"

H.P. 593 L.D. 808

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-234).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-234).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-234) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Regarding Judicial Branch Publications"

H.P. 596 L.D. 811

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-233).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-233).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-233) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Waldoboro Utility District Charter"

H.P. 745 L.D. 1012

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-225).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-225).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Extend the Retirement Incentive Option for Two Years"

H.P. 462 L.D. 599

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-220).

Signed:

Senators:

TITCOMB of Cumberland
MCCORMICK of Kennebec

Representatives:

CATHCART of Orono
WENTWORTH of Arundel
HATCH of Skowhegan
JOY of Island Falls
QUINT of Paris
TUFTS of Stockton Springs

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

Signed:

Senator:

WEBSTER of Franklin

Representatives:

JALBERT of Lisbon
BARTH of Bethel
VIGUE of Winslow

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

Which Reports were **READ**.

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

Senate

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act Related to Mortgage Companies"

S.P. 177 L.D. 591

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-121)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-121) **READ** and **ADOPTED**.

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

Senator **O'DEA** for the Committee on **EDUCATION** on Bill "An Act to Clarify the Appointment, Powers and Duties of Building Committees"

S.P. 178 L.D. 592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-119)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-119) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Amend the Maine Hunting Laws to Prohibit Discharges of Firearms across Paved Ways"

S.P. 282 L.D. 853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-120)**.

Signed:

Senators:

- LUTHER of Oxford
- O'DEA of Penobscot
- HALL of Piscataquis

Representatives:

- GREENLAW of Standish
- JACQUES of Waterville
- NICKERSON of Turner
- ROTONDI of Athens
- SWAZEY of Bucksport
- TRACY of Rome

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

Signed:

Representative:
FARREN of Cherryfield

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-120) **READ** and **ADOPTED**.

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

Off Record Remarks

SECOND READERS

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

House

Bill "An Act to Reapportion Maine School Administrative District No. 72" (Emergency)
H.P. 511 L.D. 669

Resolve, to Establish a Land Swap in Carrabassett Valley
H.P. 632 L.D. 863

Bill "An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree"
H.P. 971 L.D. 1302

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

House As Amended

Bill "An Act to Permit Children 5 Years of Age to Enter Grade One"
H.P. 184 L.D. 236
(C "A" H-221)

Bill "An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills" (Emergency)
H.P. 191 L.D. 254
(C "A" H-217)

Bill "An Act to Correct Errors and Inconsistencies in the Growth Management Laws"
H.P. 388 L.D. 501
(C "A" H-218)

Bill "An Act to Amend the Maine Housing Authorities Act"
H.P. 407 L.D. 520
(C "A" H-232)

Bill "An Act Concerning Mooring Permits"
H.P. 469 L.D. 606
(C "A" H-219)

Resolve, to Reduce the Administrative Costs of State Government (Emergency)
H.P. 487 L.D. 645
(C "A" H-228)

Bill "An Act Related to Hook-up Fees for New Installations of Electric Heat"
H.P. 500 L.D. 658
(C "A" H-223)

Resolve, Concerning a Special Revenue Account for Emergency Medical Services
H.P. 527 L.D. 711
(C "A" H-230)

Bill "An Act to Foster the Bringing Together of Venture Capital and Innovative Business Ideas" (Emergency)
H.P. 531 L.D. 715
(C "A" H-231)

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
(C "A" H-229)

Bill "An Act to Introduce Greater Efficiency in the Provision of Certain State Services" (Emergency)
H.P. 577 L.D. 781
(C "A" H-227)

Bill "An Act to Allow Disclosure of Residential Electrical Costs"
H.P. 685 L.D. 926
(C "A" H-224)

Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (Emergency)
H.P. 786 L.D. 1059
(C "A" H-226)

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

Bill "An Act to Establish Maximum Interest Rates for Automobile Financing"
H.P. 656 L.D. 894
(S "A" S-118 to C "A" H-212)

Which was **READ A SECOND TIME**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**.

Senate As Amended

Bill "An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance"
S.P. 267 L.D. 804
(C "A" S-114)

Bill "An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers"
S.P. 354 L.D. 1068
(C "A" S-115)

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

Sent down for concurrence.

Bill "An Act to Amend the Charter of the Northern Maine Regional Planning Commission"
S.P. 140 L.D. 431
(C "A" S-117)

Which was **READ A SECOND TIME**.

On motion by Senator **CAREY** of Kennebec, Senate Amendment "A" (S-124) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Bill "An Act to Extend the Repeal Date of the Laws Governing Biosynthetic Bovine Somatotropin" (Emergency)
S.P. 198 L.D. 634
(C "A" S-105)

Which was **READ A SECOND TIME**.

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

Bill "An Act to Create a Student Seat on the Board of Trustees of the Maine Maritime Academy"
S.P. 359 L.D. 1073
(C "A" S-113)

The Following Communication:

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

Which was **READ A SECOND TIME**.

May 7, 1993

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

To The Honorable Members of the 116th Legislature:

ENACTORS

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

I am returning, without my signature or approval, S. P. 19, L.D. 9, "An Act Prohibiting Political Activity by the Members of the Workers' Compensation Board." This bill singles out the Workers' Compensation Board, and restricts board members from participating in political activities.

An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies
H.P. 470 L.D. 607
(C "A" H-167)

This proposed change to the section of the Workers' Compensation Board laws that delineates the duties and restrictions of the Board, disenfranchises this particular board from criteria applied to other boards and commissions. Such a piecemeal approach to addressing the issue of political activity by members of boards and commissions is a poor approach to establishing policy for these numerous public officials.

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

Likewise, it is contrary to the democratic principles of our system of government. It serves to discourage individuals from considering expanding their public service to the State should they serve on this particular board.

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

As a means of developing a public policy to apply to Boards and Commissions, L.D. 9 is limiting and discriminatory to future Workers' Compensation Board Members. I hope you will join with me in rejecting this piece of legislation.

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

Sincerely,

S/JOHN R. MCKERNAN, JR.
GOVERNOR

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

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

The Accompanying Bill:

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

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

The President laid before the Senate the following:

After Recess

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

Senate called to order by the President.

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

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is, of course, my Bill and the Governor has chosen to veto it. By saying that it is selective and arbitrary or whatever words he used, "a poor approach to establishing policy". I am a realist and I know what will happen to whether or not this will be sustained by this Senate. You know my arguments on this Bill,

COMMUNICATIONS

I'm convinced I'm right, many people are convinced that I am wrong. The Governor's veto will be sustained. I have no illusions about that but what I would like to talk about is this, when I finish this term I will have 19 years in the Maine legislature. I was elected half way through a term, which gives me an odd year. This is the second bill of mine that has been vetoed. I don't introduce a lot of bills anyway but nevertheless this is the second bill. The first one was vetoed by Governor Longley, and as you know from reading history Governor Longley vetoed a lot of bills, mine was one of them. We used to schedule veto days, we'd come back after the session was over to act on vetos. I was in Enfield, he called me up on the phone, I was either a freshman or pretty close to being a freshman legislator, wet behind the ears and I had introduced a piece of legislation, I don't even remember what it was, but he called me up and he said Mike I wanted to talk to you before I vetoed this piece of legislation, to get your side of it so that I would know both sides, but I want you to know that I'm inclined to veto this piece of legislation. We had a conversation that went on for probably fifteen or twenty minutes. He was very gracious. He vetoed the bill and his veto was sustained.

You know that I have the highest regard for the office of Governor. I respect that office and in particular the individual who occupies it at the present time. I've known him all my life. I also expect that he should respect my office as a Senator of the State of Maine, and the fact that I've known him all of my life. I've tried to be helpful and cooperative and non-confrontational and supportive, I've even chased people around in his party to get them to vote for his bills, which takes some effort sometimes. Warren Harding, when he was President of the United States, at the time of Elks Hills and Teapot Dome when Doheney and Dougherty and Albert Foal were giving him problems, said at one time it wasn't his enemies that he had to worry about it was his friends. It's always difficult when friends don't respond the same way that you do to them. I think that I deserved at least not to hear about the veto of the Governor by picking up the Bangor Daily News and reading it in the newspaper. As a Maine State Senator I think each and every one of us deserves at least a courtesy call from whoever is the Chief Executive Officer of this State. I didn't receive one and I think he's wrong. 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 BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

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

ABSENT: Senator KIEFFER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, and 18 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.

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

COMMUNICATIONS

The Following Communication:

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

May 7, 1993

To the Honorable Members of the 116th Legislature:

I am returning, without my signature or approval, S.P. 104, L.D. 282, "An Act to Make the Terms of Certain Commissioners Coterminous With the Term of the Governor". This bill requires the renomination and reconfirmation of Cabinet-level Commissioners in the Executive Branch at the beginning of each term of a Governor.

I take this step because this bill undermines the authority of the Executive Branch of government. Currently, the confirmation process speaks to the qualifications of individuals nominated for Cabinet-level positions. This bill would alter that balance by presenting the opportunity for confirmations to be based on policy differences between the Legislative and Executive Branches, rather than the individual's qualifications, which were confirmed by the Legislature in the initial hearing.

The State already provides a mechanism for removal of Commissioners who the Governor determines are not serving the state well. Because these Commissioners serve at the pleasure of the Governor, and their decisions reflect upon the Administration, it should remain to the Governor to determine whether Commissioners continue to serve the state as executive branch appointees.

Governors who face re-election are often judged by the quality of the appointments made during the first term. The accomplishments and policy decisions of Commissioners are subject to extensive discussion during the campaign. A second confirmation process is essentially an examination of a Commissioner's performance, not an examination of qualifications.

Ultimately, because these officials serve at the pleasure of the Governor, it should be left to the Governor to determine whether they continue to serve the state.

This bill violates the distinct separation of powers between the Executive and Legislative branches, and is poor public policy. I urge you to join me in rejecting this legislation, and support my veto.

Sincerely,
S/JOHN R. MCKERNAN, JR.
GOVERNOR

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

The Accompanying Bill:

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

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

The President 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 Kennebec, Senator Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This one belonged to me. I know I'm going to get shot down, probably with the same score that the good Senator from Penobscot got, but I have to tell you that the Governor is slightly wrong when he points out in his veto message that the bill "violates the distinct separation of powers between the Executive and Legislative branches". It was never intended to do that. When the bill was passed in the '70's it was intended to make sure that when a Governor's term expired, if that Governor were to be reelected, that Governor would have had to come back to the legislature for either reconfirmations of his people or at that time change hands. The process was waylaid, I think the Record should indicate that the process was waylaid by a Democratic Governor with a Democratic Attorney General and we are the losers in the long run. 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 **BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

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

ABSENT: Senator **KIEFFER**

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, and 20 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.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Change of Reference

Senator **PEARSON** for the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate"

S.P. 417 L.D. 1326

Reported that the same be **REFERRED** to the Committee on **UTILITIES**.

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

The Bill **REFERRED** to the Committee on **UTILITIES**.

Sent down for concurrence.

Ought to Pass As Amended

Senator **CAREY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine"

S.P. 120 L.D. 358

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-122)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-122) **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:

COMMUNICATIONS

The Following Communication: S.P. 484

116TH MAINE LEGISLATURE

May 10, 1993

Senator Rochelle Pingree
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic Development
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Kirk M. Allen of Gorham for appointment to the Adaptive Equipment Loan Program Fund Board.

Pursuant to Title 10, MRSA Section 373, this nomination will require review by the Joint Standing Committee on Housing and Economic Development 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 **HOUSING AND ECONOMIC DEVELOPMENT**.

Sent down for 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 Establish a Risk-sharing Mechanism for Small Group Health Insurance Plans"
H.P. 1092 L.D. 1470

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Licensure Requirements for Nurses"
H.P. 1093 L.D. 1471

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 Improve Environmental Protection and Support Economic Development under the State's Land Use Laws"
H.P. 1100 L.D. 1487

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.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Concerning the Stocking of Brook Trout in Seal Cove Pond
H.P. 1091 L.D. 1469

Comes from the House referred to the Committee on **FISHERIES & WILDLIFE** and **ORDERED PRINTED**.

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Consolidate All Substance Abuse Programs within the Office of Substance Abuse"
H.P. 1099 L.D. 1486

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

Which was referred to the Committee on **HUMAN 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 Require Immediate Income Withholding for All Child Support Orders" (Governor's Bill)
H.P. 1098 L.D. 1485

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Reorganize State Government"
H.P. 1094 L.D. 1472

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate"
H.P. 1095 L.D. 1482

Bill "An Act Regarding Cable Television"
H.P. 1096 L.D. 1483

Bill "An Act to Amend the Charter of the Boothbay Harbor Water System" (Emergency)
H.P. 1097 L.D. 1484

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **O'DEA** for the Committee on **EDUCATION** on Bill "An Act Regarding the Credentialing of School Psychological Service Providers"
S.P. 262 L.D. 800

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-125)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-125) **READ** and **ADOPTED**.

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

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

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

The Bill **READ ONCE**.

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

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

COMMUNICATIONS

The Following Communication:

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

May 10, 1993

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106) (L.D. 309):

Representative RUHLIN of Brewer
Representative PARADIS of Augusta
Representative LIBBY of Buxton

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

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

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

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Amend the Selection Process for the Administration of the Mexico Water District"
S.P. 430 L.D. 1340

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **HARRIMAN** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Local Control for the Job-start Program"
S.P. 246 L.D. 765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-126) **READ** and **ADOPTED**.

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

ORDERS OF THE DAY

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

Emergency

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

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

Pending - **ENACTMENT**

(In Senate, April 29, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)**, in concurrence.)

(In House, May 4, 1993, **PASSED TO BE ENACTED**.)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with No Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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 6, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, April 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-171)**, 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 **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 6, 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:

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Regarding County Contingent Account Limits"

S.P. 286 L.D. 856

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

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

Pending - **ACCEPTANCE** of Either Report

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

Senator **ESTY** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 County contingent account limits is an issue that has been brought to you early in the 115th Legislature. In that Legislature Sagadahoc County was given the privilege of having a contingency fund of 4% of its gross budget, which accumulated somewhere around \$85,000. This bill simply asks to go for the rest of the counties from \$50,000 contingency fund to \$100,000. When the bill was proposed to me, since I am the sponsor of this legislation, it was requested that we ask for 4% across the board. I told them that I would not consider such a thing because 4% on some of the larger counties could be up to \$400,000. The compromise then was to increase it to \$100,000. The \$50,000 contingency fund has been on the books for approximately two decades and yet we have seen the County budgets increase considerably in that time. We have also seen the Counties be caught in the bind of mandates and not getting money, of handling medical bills that are not in any way possible to budget, and getting caught without funds. The Minority Ought to Pass as Amended Report tried to alleviate the pressure of the additional \$50,000 by having in the amendment that the additional money, over \$50,000, could only be used as the budgetary process and an agent of the county would allow. It gives local control, it gives a chance for a county to be sure that it is not going to have to get into a very tight bind. In most cases the County Commissioners, the budget Committee or the Legislative delegation are responsible people and should be given the right to do that. I hope you will vote against the Ought Not to Pass Report. I ask for a Division. Thank you.

Senator **BEGLEY** of Lincoln requested a Division.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason for the Ought Not to Pass Majority Report is simply

because the County Commissioners could levy an additional \$50,000 assessment through the assessment of the local municipality, which in our view was a form of property tax increase. They may need it for an emergency, you never know, but they may not need it and generally they don't need it. If they just assess that extra \$50,000, they raise it through the property tax, and they will leave it in escrow building interest income for them. That was the main reason why those of us on the Ought Not to Pass Report which, I repeat, was the Majority Report did not support 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 use of the contingency fund is pretty well controlled, it's controlled by statute to the extent that once it is set up, if it is not used, it has two possible ways of being handled, either it is turned over to surplus to take care of the savings in taxes for the next year or if a portion is used for the contingency during that year, then the Commissioners or the budget agent has the right to ask for, in his next year's budget, only that which was expended and carry the rest over. So you are not necessarily building any fund to do it. Each county budget is audited and the audit definitely states how the contingency fund is being used and if it is not being used correctly then the report comes out to the public in its annual report that things should change. Thank you.

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

A Division has been requested.

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

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

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

Bill "An Act to Establish an Automobile Recycling Permit"

H.P. 255 L.D. 334
(C "A" H-143)

Tabled - May 10, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, April 27, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence.)

(In House, May 6, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143) AND HOUSE AMENDMENT "A" (H-239)** in **NON-CONCURRENCE**.)

The Senate **RECEDED** and **CONCURRED**.

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

SENATE REPORTS - from the Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Extend the Retirement Incentive Option for Two Years"

H.P. 462 L.D. 599

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-220)**

Minority - **Ought Not to Pass**

Tabled - May 10, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 10, 1993, Reports **READ**.)

(In House, May 6, 1993, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **TITCOMB** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Very briefly this evening I would like to say just two things. I would ask that you would oppose the motion and I would just ask you to ask yourself the question whether this proposal is good public policy, the concept of somebody being able to double dip at a time when many people in Maine don't even have a job doesn't make a lot of sense to me. I think it's a bad idea. I understand why the proposal is before us and some people would argue that it would actually save money for the State, I argue that, as many of you know, there is no such thing as something for nothing. It's obvious to me that this will end up, in the long term in my opinion, to be detrimental to the retirement system and it's an unfunded liability over the long term. Regardless of what you might think this is my belief and I think it's bad public policy. People out there are quite upset that with this idea someone could be double and triple dippers and that is what this allows. I think this is wrong and I would ask for a Division. Thank you.

Senator **WEBSTER** of Franklin requested a Division.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will agree that we do not need to belabor the debate on this issue. I will tell you that it did receive the green light from the Maine State Retirement System and that

the projected savings to the State are \$2 million. Unfortunately even though some of us voted in support of this with some mixed emotions, in these economic times to be able to save \$2 million and receive the green light from the retirement system brings us to the point that this deserves support of the Majority Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **TITCOMB** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-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.

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **TITCOMB** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-220) **READ** and **ADOPTED**.

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

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

Bill "An Act to Establish Maximum Interest Rates for Automobile Financing"

H.P. 656 L.D. 894
(S"A" S-118 to C"A" H-212)

Tabled - May 10, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 10, 1993, **READ A SECOND TIME**.)

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll try to be brief. Many of you probably noticed a copy of an ad that I had distributed here in the Senate. I just think it's important that people realize the effect they might be having on their constituents by letting a bill like this become law. Many of our constituents, certainly in my district in the southern end of the State, have felt the brunt of the difficult economic times. The reason for showing you this ad is because many of those people had to file bankruptcy and could not keep up with the payments on their cars. It's through businesses like this who happen to charge a very high interest rate that these people can get automobile loans. These people are a higher credit risk and thusly I think justify a higher return on someone who is willing to loan money

to someone who is a high credit risk. I think that we should look long and hard before we pass this type of legislation. Again, I also believe it trespasses over into the free market issue. I think it's important that the free market decide the interest rates that are charged. I should also point out, too, that through my research on this particular issue I found that there are only two cases in the entire State of Maine of reported complaints on excessive interest rates being charged and in one of those cases a gentleman had his car repossessed because he wasn't making the payments on it. I really would urge the body to vote against this measure so I will ask for the Indefinite Postponement of this matter and would request a Division.

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

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

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

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.

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **SUMMERS** of Cumberland, to **INDEFINITELY POSTPONE** the Bill and Accompanying Papers, **FAILED**.

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

Sent down for concurrence.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just want to bring an issue up that has been brought to my attention on several occasions and I've been meaning to mention it. A couple of people asked me tonight if they to arrange a pair with Senator Kieffer, who had to fly home for an emergency meeting that he is associated with up in Caribou and I rejected that. I appreciate the offer but a few weeks ago our caucus had a very long discussion on pairing and we have agreed among our caucus that we will not ask the other side to pair nor will we pair among us. I wanted to bring the issue up now when it's not an issue so that at some point when it becomes an issue we're on the Record as saying it now. It's not an issue that personal, it's not an issue that's political, it's just that we feel that all members have responsibilities outside the Legislature, either with work or sometimes in their capacity as Senator

they have to be home and sometimes have personal obligations that they have to attend to. We feel that it's very important that our caucus, for this term, feels they will not pair. Thank you.

On motion by Senator **LAWRENCE** of York,
ADJOURNED until Tuesday, May 11, 1993, at 10:00 in
the morning.