

# 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

**Non-concurrent Matter**

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

SENATE REPORTS - from the Committee on **STATE AND 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)**

In Senate, May 10, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116)** in **NON-CONCURRENCE**.

In Senate Chamber  
Monday  
May 17, 1993

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

Prayer by Reverend M. A. Hughes of St. Saviour's Episcopal Church in Bar Harbor.

**REVEREND M. A. HUGHES:** All mighty God you have granted unto this nation the democratic ideal by which the future of our society is fashioned. We thank thee that thou hast called from among the people of this State men and women to serve the public good. We pray that there may always be enlightened and concerned citizens who, cherishing their heritage, will always be ready to defend our State and are willing to labor to improve the social conditions under which we all must live. We thank thee for raising up dedicated leaders for our republic and this State and we would pray that you would grant those entrusted with the responsibilities of government, that they may be trustworthy and wise, courageous and just, put far from them pride and prejudice, self-interest and greed. Give us the wisdom to seek only that which will further the cause of justice and peace. Guide the people of Maine to support those elected to serve in this Senate, and yet always to expect from them wise legislation and faithful administration, that we may all prosper under an equality of law and an equality of opportunity. Defend our liberties and grant us all a sense of obligation for the preservation of the beauty and bounty of this beloved State. Strengthen us with honor, inspire us with truth, enoble us with a sense of justice, and provide us, oh God, with the strength and spiritual sustenance for performing with enthusiasm the tasks with which our high office confronts us day by day. May this be our common prayer. Amen.

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

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

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

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.

17 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **CAHILL** of Sagadahoc, to **RECEDE** and **CONCUR**, **PREVAILED**.

**COMMUNICATIONS**

The Following Communication: S.P. 498

**116TH MAINE LEGISLATURE**

May 14, 1993

Reading of the Journal of Thursday, May 13, 1993.

Off Record Remarks

**PAPERS FROM THE HOUSE**

Senator Georgette B. Berube  
Rep. Ruth Joseph  
Chairpersons  
Joint Standing Committee on State and Local Government  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has today informed us that Public Safety Commissioner, John R. Atwood, has nominated Lt. Col. Alfred R. Skolfield, Jr. of Oakland for appointment as the Chief of the Maine State Police.

Pursuant to 25 M.R.S.A., Section 1501, this nomination will require review by the Joint Standing Committee on State and Local Government and confirmation by the Senate.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

Sincerely,

S/Dennis L. Dutremble  
President of the Senate

S/John L. Martin  
Speaker of the House

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Natalie C. Graceffa of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Which was **READ** and referred to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

The Following Communication:

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

May 13, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Natalie C. Graceffa of Augusta, for appointment to the Maine Educational Loan Authority.

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

YEAS:	Sen. 2	O'Dea of Penobscot, Amero of Cumberland
	Rep. 9	Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Norton of Winthrop, Ault of Wayne, Small of Bath

NAYS: 0

ABSENT: 2 Sen. Lawrence of York, Rep. Stevens of Orono

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Natalie C. Graceffa of Augusta, for appointment to the Maine Educational Loan Authority be confirmed.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senator CONLEY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Natalie C. Graceffa, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

May 13, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Nathan E. Corning of Rockport, for appointment to the Maine Maritime Academy Board of Trustees.

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

YEAS:	Sen. 2	O'Dea of Penobscot, Amero of Cumberland
	Rep. 9	Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Norton of Winthrop, Ault of Wayne, Small of Bath
NAYS:	0	
ABSENT:	2	Sen. Lawrence of York, Rep. Stevens of Orono

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Nathan E. Corning of Rockport, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed:

S/John J. O'Dea  
 Senate Chair

S/Elizabeth H. Mitchell  
 House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Nathan E. Corning of Rockport be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators CONLEY, PEARSON

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Nathan E. Corning, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

May 13, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Joseph Sewall of Old Town, for reappointment to the Maine Maritime Academy Board of Trustees.

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

YEAS:	Sen. 2	O'Dea of Penobscot, Amero of Cumberland
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Rep. 9 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Norton of Winthrop, Ault of Wayne, Small of Bath

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Joseph Sewall, was **CONFIRMED**.

NAYS: 0

The Secretary has so informed the Speaker of the House.

ABSENT: 2 Sen. Lawrence of York, Rep. Stevens of Orono

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Joseph Sewall of Old Town, for reappointment to the Maine Maritime Academy Board of Trustees be confirmed.

The Following Communication:

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

Signed:

May 13, 1993

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

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

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Joseph Sewall of Old Town be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Henry G. Brooks, Jr. of York Harbor, for appointment to the Maine Maritime Academy Board of Trustees.

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

YEAS: Sen. 2 O'Dea of Penobscot, Amero of Cumberland

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

**ROLL CALL**

YEAS: Senators None

NAYS: 0

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

ABSENT: 2 Sen. Lawrence of York, Rep. Stevens of Orono

ABSENT: Senator CONLEY

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Henry G. Brooks, Jr. of York Harbor, for appointment to the Maine Maritime Academy Board of Trustees be confirmed.

Signed:

S/John J. O'Dea  
Senate Chair

S/Elizabeth H. Mitchell  
House Chair

May 17, 1993

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

**THE PRESIDENT:** The Joint Standing Committee on Education has recommended the nomination of Henry G. Brooks, Jr. of York Harbor be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Henry G. Brooks, Jr., was **CONFIRMED**.

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:

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

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Human Resources has had under consideration the nomination of Marlene McMullen-Pelsor of South Portland, for appointment as the Director of the Office of Substance Abuse.

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

YEAS: Sen. 2 Paradis of Aroostook,  
Harriman of Cumberland

Rep. 9 Treat of Gardiner, Gean of  
Alfred, Beam of Lewiston,  
Brennan of Portland, Johnson  
of South Portland, Townsend  
of Portland, Pendleton of  
Scarborough, Pendexter of  
Scarborough, Bruno of Raymond

NAYS: 0

ABSENT: 2 Sen. Baldacci of Penobscot,  
Rep. Fitzpatarick of Durham

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Marlene McMullen-Pelsor of South Portland, for appointment as the Director of the Office of Substance Abuse be confirmed.

Signed:

S/Judy A. Paradis  
Senate Chair

S/Sharon Anglin Treat  
House Chair

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

**THE PRESIDENT:** The Joint Standing Committee on Human Resources has recommended the nomination of Marlene McMullen-Pelsor of South Portland be confirmed.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators None

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

ABSENT: Senators None

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Marlene McMullen-Pelsor, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

**SENATE PAPERS**

Bill "An Act to Make Additional Appropriations and Allocations and to Make Technical Corrections to the Laws for the Fiscal Years Ending June 30, 1993 and June 30, 1994" (Emergency)

S.P. 497 L.D. 1517

Presented by Senator **PEARSON** of Penobscot (GOVERNOR'S BILL)

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

Sent down for concurrence.

Resolve, Authorizing the Conveyance of Certain Camp Lease Lots on Public Lands, the Exchange of Certain Rights-of-way for Fee Simple Interest in Land, the Conveyance of Certain Timber and Grass Rights through Release Deeds and the Extension of a Road Construction Use Permit Right-of-way for a Period of 99 Years

S.P. 495 L.D. 1515

Presented by Senator **HALL** of Piscataquis (GOVERNOR'S BILL)

Cosponsored by Representative: GOULD of Greenville

Resolve, Authorizing the Conveyance of Certain Public Lands in Gray

S.P. 496 L.D. 1516

Presented by Senator **BUTLAND** of Cumberland (GOVERNOR'S BILL)

Cosponsored by Representative: CARROLL of Gray

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

Sent down for concurrence.

Bill "An Act to Promote Family Financial Responsibility through More Effective Child Support Enforcement"

S.P. 494 L.D. 1514

Presented by Senator **HARRIMAN** of Cumberland (GOVERNOR'S BILL)

Cosponsored by Senators: **BALDACCI** of Penobscot, **KIEFFER** of Aroostook, Representatives: BRUNO of Raymond, DONNELLY of Presque Isle, GEAN of Alfred, KERR of Old Orchard Beach, MICHAEL of Auburn, PLOWMAN of Hampden

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

Sent down for concurrence.

**COMMITTEE REPORTS**

**House**

**Ought to Pass**

The Committee on **JUDICIARY** on Bill "An Act to Help Clarify the Application of the Maine Rules of Criminal Procedure to Probation Revocation Proceedings, Including the Appeal Process"

H.P. 857 L.D. 1162

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 **EDUCATION** on Bill "An Act Concerning Teacher Certification"

H.P. 316 L.D. 404

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-266)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-266) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **ENERGY & NATURAL RESOURCES** on Resolve, to Direct the Department of Environmental Protection to Develop a Report Regarding the Feasibility of the State Applying to Assume Permitting Jurisdiction over Federal Wetlands

H.P. 609 L.D. 824

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-272)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the Commissioner of Conservation to Adopt Rules That Encourage Conservation of Shore Plants"

H.P. 710 L.D. 961

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-255)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255) AS AMENDED BY HOUSE AMENDMENT "A" (H-275)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-255) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

On motion by the Chair, the Senate **RECONSIDERED** its action whereby it **ADOPTED Committee Amendment "A" (H-255)** in **NON-CONCURRENCE**.

House Amendment "A" (H-275) to Committee Amendment "A" (H-255) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-255) As Amended by House Amendment "A" (H-275) thereto, **ADOPTED**, in concurrence.

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

---

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Increase Tenant Representation on Housing Authorities"

H.P. 550 L.D. 746

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-264)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-264)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-264) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **JUDICIARY** on Bill "An Act to Amend the Sex Offender Registration Act"

H.P. 357 L.D. 460

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-263)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-263)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-263) **READ** and **ADOPTED**, in concurrence.

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

---

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

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The Committee on **JUDICIARY** on Bill "An Act Regarding Missing Children" (Emergency)  
H.P. 425 L.D. 544

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-262)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-262) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Protect Police Officers from Armor-piercing Ammunition"  
H.P. 643 L.D. 874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-267)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-267)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-267) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **MARINE RESOURCES** on Bill "An Act to Establish Cod Hatcheries"  
H.P. 211 L.D. 273

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-271)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-271)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-271) **READ** and **ADOPTED**, in concurrence.

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

---

The Committee on **UTILITIES** on Bill "An Act Amending the Charter of the Brewer Water District" (Emergency)  
H.P. 615 L.D. 830

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-250)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND HOUSE AMENDMENT "A" (H-278)**.

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

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Report, in concurrence.

On further motion by same Senator, Tabled 2 Legislative Days, pending **ACCEPTANCE** of the Report, in concurrence.

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#### Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair"  
H.P. 417 L.D. 536

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

Signed:

Senators:

MCCORMICK of Kennebec  
CAREY of Kennebec  
KIEFFER of Aroostook

Representatives:

HALE of Sanford  
TRACY of Rome  
ERWIN of Rumford  
RAND of Portland  
KUTASI of Bridgton  
CAMPBELL of Holden  
TOWNSEND L of Canaan  
JOSEPH of Waterville

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

Signed:

Representatives:

PINEAU of Jay  
CARLETON of Wells

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

Which Reports were **READ.**

The Majority **UGHT TO PASS** Report was **ACCEPTED**, in concurrence.

The Bill **READ ONCE.**

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

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#### Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act Concerning the Maine Unemployment Insurance Commission"

H.P. 523 L.D. 707

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

Signed:

Senators:

HANDY of Androscoggin  
LUTHER of Oxford

Representatives:

CLEMENT of Clinton  
CHASE of China  
ST. ONGE of Greene  
LIBBY J D of Buxton  
COFFMAN of Old Town  
SULLIVAN of Bangor

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

Signed:

Senator:

BEGLEY of Lincoln

Representatives:

CARR of Sanford  
RUHLIN of Brewer  
LINDAHL of Northport  
AIKMAN of Poland

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

Which Reports were **READ.**

Senator **HANDY** of Androscoggin moved that the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** 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. If I may refresh your memories for a moment. The Maine Unemployment Insurance Commission is made up of three members. One representing labor, one representing management, and the other a neutral member. This Bill was proposed by one of these members on the basis that in the voting procedure, if a member is missing, either labor or management, and any vote is taken on the conditions, the only vote that counts is the neutral member. The other member who is present may listen politely, and learn, but is not allowed to vote. His position is that then negates his position, as well paid as he is, and doesn't allow for the majority to be concerned. It is, in my opinion, like asking a Senator to come here, sit politely and listen or discuss, but when asked for a vote please don't say yea or nay or stand. He finds it undemocratic and I do too. I urge you to vote against the Ought Not to Pass motion. 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. When the Labor Committee undertook study of this Bill we found that there was no crying need except for one member of the Commission to make this change, although the other two members agreed to go along with it. What this does is turn on its head the delicate balance that is achieved with the current configuration of the Board when they render decisions and hear appeals. The Board has an employer member, an employee member and a neutral member. The delicate balance of which I speak is that, under the current law, the employer member and the employee member may render decisions, so long as they agree. This Bill would have that turned on its head and upset that balance, to the detriment of the employer or the detriment of the employee, by allowing one of those two members to conjointly make that decision with the Chair. We think that this Board is somewhat unique in that it hears very delicate cases representing employers and employees, and those are the two that should carry the weight in rendering these decisions. Thank you.

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

On motion by Senator **ESTY** 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 Androscoggin, Senator Handy.

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The Committee did have somewhat of a time to grasp the way the Commission operates and finally, after quite a while of study by the Committee we got a grasp of that. What the Committee deems important is that very critical balance that the employer representative and the employee representative brings in rendering decisions, conducting hearings, and acting on appeals in unemployment insurance cases. We think that those two members ought to carry the weight, not the independent public member, when decisions are rendered. I would ask your support on this legislation so we can have that fair balance maintained. 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. Again, I would simply remind you of the democratic process of having three members, and preferably two votes, to constitute the majority and not one. 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'd like to pose a question through the Chair to anyone who cares to answer. It is my understanding that recently there was a vacancy on the Unemployment Insurance Commission and I believe that it was the neutral Chair who was vacant. It is my further understanding that literally a couple hundred cases got backed up without decisions as a result of that vacancy. As I understand the law the Chairman is the one who can make the decisions under the current law. If we are to pass this law and one of the other members are absent, either the labor member or the management member, would it be that if those two individuals who were left cannot agree on a decision that they have to wait until the third member is posted and cause further delays for management as well as workers in this State? Thank you.

**THE PRESIDENT**: The Senator from Cumberland, Senator Conley has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Androscoggin, Senator Handy.

Senator **HANDY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. There recently was one of the partisan members who found himself in ill health and in the period of recuperation the neutral Chair, representing the public interest, acted on appeals. There was no backlog in that case. If there was a backlog of cases we would find a compelling reason to do this but we don't see this as a problem Senator. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by Senator **HANDY** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

**YEAS**: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, 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, CAREY, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

**ABSENT**: Senators None

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, with No Senators being absent, the motion by Senator **HANDY** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Permit any Licensed Private Investigator or Bonded Security Agency to Serve Civil Process"

H.P. 746 L.D. 1013

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

Signed:

Senators:

CAREY of Kennebec  
HALL of Piscataquis

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-268)**.

Signed:

Senator:

HANDY of Androscoggin

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

Which Reports were **READ**.

The Majority **OUGHT NOT TO PASS** Report was **ACCEPTED**, in concurrence.

**Senate**

**Ought to Pass**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Resolve, to Grant an Easement from the Maine Technical College System to Darling's, Incorporated to Construct and Use an Access Road on the Campus of Eastern Maine Technical College (Governor's Bill)

S.P. 435 L.D. 1367

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

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

The Resolve **READ ONCE**.

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

**Ought to Pass As Amended**

Senator **PARADIS** for the Committee on **AGRICULTURE** on Bill "An Act to Ensure Uniformity in Gasoline Octane Levels"

S.P. 151 L.D. 483

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-145)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-145) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Relating to the Portland Harbor Commission and Portland Harbor"

S.P. 315 L.D. 948

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

Signed:

Senators:

VOSE of Washington  
PINGREE of Knox  
GOULD of Waldo

Representatives:

COLES of Harpswell  
MITCHELL of Freeport  
HEINO of Boothbay  
SWAZEY of Bucksport  
LOOK of Jonesboro  
CONSTANTINE of Bar Harbor  
SKOGLUND of St. George  
LEMONT of Kittery  
TOWNSEND G of Eastport

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 was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-144) **READ**.

On motion by Senator **VOSE** of Washington, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-144).

**SECOND READERS**

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

**House**

Bill "An Act Pertaining to the Appointment of Code Enforcement Officers"

H.P. 855 L.D. 1160

Bill "An Act to Amend the State Contribution to Pollution Abatement and Overboard Discharge Replacement Laws"

H.P. 941 L.D. 1270

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

**House As Amended**

Resolve, for Amending the Laws Pertaining to Job Classification Specifications

H.P. 122 L.D. 163  
(C "A" H-252)

Bill "An Act to Shorten the Appeal Procedure for the State Bidding Process and to Provide Consistent Administration of Appeal Hearings"

H.P. 476 L.D. 613  
(C "A" H-253)

Bill "An Act to Increase Access to Clam Flats for Nonresident Clam Diggers"

H.P. 701 L.D. 953  
(C "A" H-260)

Bill "An Act to Amend the Laws Concerning the Sale of Alcohol" (Emergency)

H.P. 737 L.D. 995  
(C "A" H-256)

Bill "An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House"

H.P. 779 L.D. 1052  
(C "A" H-258)

Bill "An Act Related to Unavoidable Equipment Malfunctions"

H.P. 903 L.D. 1218  
(C "A" H-261)

Bill "An Act to Clarify the Time Frame in Which the Board of Environmental Protection Is to Establish a Numeric Water Quality Criterion for Dioxin"

H.P. 1002 L.D. 1348  
(C "A" H-254)

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

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  
(S "A" S-140 to C "A" H-176)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

**Senate As Amended**

Bill "An Act to Impose Term Limits on Presiding Officers of the Legislature"

S.P. 167 L.D. 559  
(C "A" S-141)

Bill "An Act to Amend Maine's Unclaimed Property Act"

S.P. 185 L.D. 621  
(C "A" S-132)

Bill "An Act to Prohibit Commercial Hunting on Unlicensed Land"

S.P. 210 L.D. 681  
(C "A" S-133)

Bill "An Act to Amend the Workers' Compensation Laws for Workers in Certain Marine Resources Industries"

S.P. 290 L.D. 860  
(C "A" S-134)

Bill "An Act Regarding Visually Impaired Voters"

S.P. 305 L.D. 938  
(C "A" S-139)

Bill "An Act to Authorize Trustees to Make Trust Investments in Certain Affiliated Securities and Bonds"

S.P. 313 L.D. 946  
(C "A" S-135)

Bill "An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws"

S.P. 341 L.D. 1038  
(C "A" S-131)

Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights"

S.P. 355 L.D. 1069  
(C "A" S-136)

Bill "An Act to Clarify Ambiguous Language and Correct Errors in Licensing Procedures and Requirements for Licensees Regulated by the Superintendent of Insurance"

S.P. 361 L.D. 1075  
(C "A" S-129)

Bill "An Act to Clarify and Amend the Law Regarding Open-end Mortgages"

S.P. 380 L.D. 1136  
(C "A" S-130)

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

Sent down for concurrence.

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass**

Senator **HALL** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Relating to Publication of Legal Notices" (Emergency)

S.P. 468 L.D. 1460

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

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

The Bill **READ ONCE.**

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

**Ought to Pass As Amended**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing the Hancock County Budget Advisory Committee"

S.P. 449 L.D. 1416

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

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-146) **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:

**HOUSE REPORTS** - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents"

H.P. 259 L.D. 337

Majority - **Ought to Pass**

Minority - **Ought Not to Pass**

Tabled - May 13, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANDY** of Androscoggin to **RECOMMIT** Bill and Accompanying Papers to the Committee on **LEGAL AFFAIRS** in **NON-CONCURRENCE.**

(In Senate, May 13, 1993, Reports **READ.**)

(In House, May 10, 1993, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**)

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **HANDY** of Androscoggin to **RECOMMIT** Bill and Accompanying Papers to the Committee on **LEGAL AFFAIRS** in **NON-CONCURRENCE.**

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

**Emergency**

An Act to Protect the Future of the United States Naval Shipyard at Kittery

S.P. 114 L.D. 315  
(C "A" S-90)

Tabled - May 13, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90).**)

(In House, May 10, 1993, **PASSED TO BE ENACTED.**)

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. So that all the members of the Senate understand, this particular Bill contains a fiscal note of \$50,000. It is money for this current fiscal year. We do have that amount of money in the State. I am not intending to Table this as would be traditional with other Bills demanding an appropriation because of the need for the money at the present time. I wanted you to be aware of that. Thank you.

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 Later Today Assigned matter:

**HOUSE REPORTS** - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents"

H.P. 259 L.D. 337

Majority - **Ought to Pass**

Minority - **Ought Not to Pass**

Tabled - May 17, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HANDY** of Androscoggin to **RECOMMIT** Bill and Accompanying Papers to the Committee on **LEGAL AFFAIRS** in **NON-CONCURRENCE.**

(In Senate, May 13, 1993, Reports **READ.**)

(In House, May 10, 1993, Bill and Accompanying Papers **INDEFINITELY POSTPONED.**)

On motion by Senator **HANDY** of Androscoggin, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **LEGAL AFFAIRS** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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)

Tabled - May 13, 1993, by Senator **ESTY** of Cumberland.

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

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

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

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

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)

Tabled - May 13, 1993, by Senator **ESTY** of Cumberland.

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

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

On motion by Senator **O'DEA** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-113).

On further motion by same Senator, Senate Amendment "A" (S-150) to Committee Amendment "A" (S-113) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Amendment simply brings the membership of the Maine Maritime Academy into line with those of the University of Maine system and Maine Maritime Academy relative to the positions of the Chairman of the Alumni Association

and also the Chair of the Board of Visitors. It's a request that we found to be very reasonable and certainly in keeping with the spirit of the Bill. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-150) to Committee Amendment "A" (S-113) **ADOPTED**.

Committee Amendment "A" (S-113) As Amended by Senate Amendment "A" (S-150) thereto, **ADOPTED**.

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

Sent down for concurrence.

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

Bill "An Act Regarding the Credentialing of School Psychological Service Providers"

S.P. 262 L.D. 800  
(C "A" S-125)

Tabled - May 13, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 11, 1993, **READ A SECOND TIME**.)

On motion by Senator **HANDY** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-125).

On further motion by same Senator, Senate Amendment "A" (S-148) to Committee Amendment "A" (S-125) **READ**.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am familiar with this legislation having served on the Committee of jurisdiction in the previous session of the Legislature and had great difficulty with it then as did the entire Committee of Education at that time and I see that it's back before us in the 116th Legislature. I still have concerns which are shared by psychological service providers in my community as well as other communities in the State of Maine. The amendment that I'm offering stresses the need for the State Board of Examiners of Psychologists to maintain their role, as these Boards are made up of members of their profession, they have peer review like many other Boards that are common in the State of Maine such as realtors, barbers, cosmetologists, plumbers, electricians, etc. Psychologists are reviewed by the Board mentioned in this amendment and this establishes some consistency in State law and in practice. The Bill, as it has come out of the Education Committee with the amendment, would have a two tiered approach. The Department of Education would like to have certification alone, with no license required. They want, what some have termed, a paper review as opposed to a review of a person



seeking a license to go before the Board of Psychological Examiners and be challenged on the work that they do. To me there is nothing wrong with that, that is critically important to upholding the high standards that we expect of professionals in this State and certainly the professionals that we have in our schools serving the children. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would encourage the membership of the body to please vote against the motion to adopt this amendment. L.D. 800 in its amended form, as brought forward by the Education Committee, represents our best attempt at meeting a Federal mandate which requires that we provide free and appropriate public education for all Maine children, regardless of what their capabilities are or where they live. This Bill, as amended, addresses a great many of the concerns that have been raised about the provision of this service and I would urge people to vote against this amendment. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would also urge you to reject this amendment. L.D. 800, with the Education Committee's amendment attached to it, will implement the work of a task force that has been at work for 18 months. A task force which consists of representatives from the School Psychological Association, the Maine Psychological Association, the Department of Education, the State Board of Education and just about every other group that has anything to do with providing psychological services in the school. That Committee did a lot of work, came up with a recommended piece of legislation that was a compromise piece of legislation, we had a public hearing on the L.D., there were some questions raised, we asked the task force to go back and review those issues that were raised. They came back to us within two weeks with a unanimous recommendation that an amendment be added, you will find that amendment to L.D. 800 as the Education Committee's amendment. I would urge you to please reject this amendment, it was not accepted by the task force that did look at it and came up with their compromise proposal. 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. I'm not about to relegate my responsibilities as a public policy maker in this State, an elected one at that, to a task force made up of individuals. Some, I think, have a dispute about the make up of that task force to which the Senator from Cumberland, Senator Amero, refers. There's no sense in having a two tiered process, yet another layer of bureaucracy is what you are actually creating here by having this duality, in fact. By having licensure as it currently exists, by the Board of Psychological Examiners and yet the Department of Education, in effect, sticking their nose into who is qualified to be a psychological examiner in this State. It really throws askew the profession of psychology and particularly of concern to me, the quality of services that children in our schools will get. So I hope you will all adopt the amendment. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to add that L.D. 800 received unanimous support of the Education Committee. I believe that it raises standards for providing psychological services in our schools. It brings us into lines with the national standards established by the National Association of School Psychologists and I think it will improve services to children. I would urge your support for L.D. 800 and not for this amendment. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin, to **ADOPT** Senate Amendment "A" (S-148) to Committee Amendment "A" (S-125).

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.

4 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator **HANDY** of Androscoggin, to **ADOPT** Senate Amendment "A" (S-148) to Committee Amendment "A" (S-125), **FAILED**.

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

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

On motion by Senator **HANDY** of Androscoggin, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-125).

On further motion by same Senator, Senate Amendment "B" (S-149) to Committee Amendment "A" (S-125) **READ**.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do apologize for missing a step in the process. This Senate amendment, again, if we're going to go along with this dare of duality, sets up a process whereby someone can insure that the standards of licensure are actually put into place, such as work samples and peer review. I think that's the least we can ask of the people who have a role in providing these services to children in school. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask you to vote against the motion to adopt this amendment. This amendment is another attempt to water down the unanimous Committee Report out of the Joint Standing Committee on Education. It does that by questioning whether or not it's appropriate to certify these providers of psychological services in our schools. As we look at the whole issue of certification and licensure I would suggest that if we are going to do

that anyplace we might want to start doing that with our teachers first. Nonetheless, we have this Bill before us and as we decide to go forward with this we have to ask what level of proficiency is required to administer some of these services in our schools. Quite clearly, it's not necessary to have a medical doctor putting bandaids on in the school nurse's office, and much the same way it's not necessary to have a person with a PhD administering these psychological services in the classroom or on a referral basis. That would be a considerable expense to our districts. Again, I would ask members to vote against this amendment. 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. I know many parents who are parents of special needs children, myself I am one, although my child is not in school as yet. In my daily life in coming across parents who need the services of school psychologists, I find that they expect that their child will receive the best possible kind of care and attention that they can get. The Senator from Penobscot would kind of belittle this proposal to say that perhaps we don't want M.D.'s replacing school nurses and putting on bandaids. That's hardly the case. This is maintaining the status quo, the proposals that I have proposed today, at least to get some modicum of status quo. This Bill, as it's proposed without the amendments I have offered today, goes well beyond maintaining the status quo, it sets up two tiers of certification and licensure, it allows someone who hasn't gone through the requisite examinations to provide psychological services in the school. Let me say right here and now that I have no problem whatsoever with someone with less than a PhD, someone with a MA for example, providing these services in the schools, provided they are reviewed by their peers and they undergo the same examinations we expect others in this State currently, who provide psychological services to children. That's my intention here. Nothing more, nothing less. To maintain quality services, not reduce them, as some would have you believe. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would just like to add to this discussion that the Board of Psychological Examiners has approved L.D. 800 as it has appeared before you with the Education Committee's amendment. I hope that no one feels that by providing more than one route to become certified to provide psychological services in our schools, that we are in any way lowering our standards. In fact we are recognizing the fact that you can be prepared to provide psychological services by going through a program in our University System in which you must have a Masters, which would include 60 hours of credit in school psychology. I hope that you will look at this as a way of providing options for people to enter our schools and provide psychological services and not to exclude people who have had very rigorous, but different, training from those of clinical psychologists. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin, that the Senate **ADOPT** Senate Amendment "B" (S-149) to Committee Amendment "A" (S-125).

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.

4 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion of Senator **HANDY** of Androscoggin, to **ADOPT** Senate Amendment "B" (S-149) to Committee Amendment "A" (S-125), **FAILED**.

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

Senator **HANDY** of Androscoggin requested a Division.

**THE PRESIDENT:** The pending question before the Senate is **PASSAGE TO BE ENGROSSED AS AMENDED**.

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.

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

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

#### PAPERS FROM THE HOUSE

##### House Papers

Bill "An Act Related to Multiple-employer Welfare Arrangements" (Governor's Bill) H.P. 1122 L.D. 1521

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.

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Bill "An Act to Bring State Water Quality Law into Compliance with Federal Requirements" H.P. 1119 L.D. 1518

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.

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:

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

**PAPERS FROM THE HOUSE**

**PAPERS FROM THE HOUSE**

**House Papers**

**House Papers**

Bill "An Act to Promote Financial Responsibility and Family Planning" (Governor's Bill)  
H.P. 1115 L.D. 1510

Bill "An Act to Legalize Marijuana for Medicinal Purposes"  
H.P. 1116 L.D. 1511

Bill "An Act to Amend the ASPIRE Program"  
H.P. 1118 L.D. 1513

Committee on **HUMAN RESOURCES** suggested and **ORDERED PRINTED**.

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

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

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

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

Bill "An Act to Establish Limited Liability Corporations and Set Their Tax Rate as Other Corporations"  
H.P. 1123 L.D. 1522

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

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

**COMMITTEE REPORTS**

**Senate**

**Change of Reference**

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

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Reduce Energy Costs and Improve the State's Air Quality"  
S.P. 482 L.D. 1480

Reported that the same be **REFERRED** to the Committee on **BANKING & INSURANCE**.

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

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

**PAPERS FROM THE HOUSE**

The Bill **REFERRED** to the Committee on **BANKING & INSURANCE**.

**House Papers**

Sent down for concurrence.

Bill "An Act to Authorize Optional County Sales Taxes on Certain Sales"  
H.P. 1117 L.D. 1512

**ORDERS OF THE DAY**

Bill "An Act Making Maine Income Tax a Set Percentage of the Federal Income Tax"  
H.P. 1121 L.D. 1520

**HELD BILL**

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

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

Senator **CONLEY**: Mr. President, is the Senate in possession of "An Act to Provide for Special Liquor Licenses" S.P. 442 L.D. 1372?

**THE PRESIDENT**: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

On motion by Senator **CONLEY** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report on Bill:

An Act to Provide for Special Liquor Licenses  
S.P. 442, L.D. 1372

(In Senate, May 13, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** REPORT.

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

Bill "An Act Relating to the Portland Harbor Commission and Portland Harbor"  
S.P. 315 L.D. 948

Tabled - May 17, 1993, by Senator **VOSE** of Washington.

Pending - **ADOPTION** of Committee Amendment "A" (S-144)

(In Senate, May 17, 1993, Committee Amendment "A" (S-144) **READ**.)

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Senate at Ease

Senate called to order by the President.

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On motion by Senator **VOSE** of Washington, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (S-144).

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Off Record Remarks

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Senator **LUTHER** of Oxford was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **LUTHER** of Oxford, **ADJOURNED** until Tuesday, May 18, 1993, at 9:00 in the morning.