

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION

Senate

December 2, 1992 to May 18, 1993

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

In Senate Chamber
Tuesday
May 18, 1993

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

Prayer by The Honorable Stephen E. Hall of Piscataquis.

SENATOR STEPHEN E. HALL: Let us pray. Our heavenly Father please look over our families as we spend time away from home trying to put our State in order. May our ideas spring forward as your spring has. Give us the courage to perform our duties so as to make life better for all of Maine's citizens. Amen.

Reading of the Journal of Monday, May 17, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Permit Children 5 Years of Age to Enter Grade One"

H.P. 184 L.D. 236
(C "A" H-221)

In Senate, May 10, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221) AS AMENDED BY HOUSE AMENDMENT "A" (H-326)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate, May 10, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-322)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Amend the Charter of the Northern Maine Regional Planning Commission"
S.P. 140 L.D. 431
(C "A" S-117; S "A" S-124)

In Senate, May 10, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117) AND SENATE AMENDMENT "A" (S-124)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-117); SENATE AMENDMENT "A" (S-124) AND HOUSE AMENDMENT "A" (H-318)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (Emergency)
S.P. 195 L.D. 631
(S "A" S-106 to C "A" S-58)

In Senate, May 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58) AS AMENDED BY SENATE AMENDMENT "A" (S-106)** thereto.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58)** in **NON-CONCURRENCE**.

On motion by Senator ESTY of Cumberland, the Senate **ADHERED**.

Sent down for concurrence.

Non-concurrent Matter

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

In Senate, May 10, 1993, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-336)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Ensure Compliance with Existing Energy Efficiency Building Standards"
S.P. 241 L.D. 734
(C "A" S-102)

In Senate, May 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-102)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-102) AS AMENDED BY HOUSE AMENDMENT "A" (H-323)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate, May 6, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210) AS AMENDED BY HOUSE AMENDMENT "A" (H-292)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate, May 10, 1993, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-329)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

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

In Senate, May 10, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-115) AS AMENDED BY HOUSE AMENDMENT "A" (H-296)** thereto, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 500

116TH MAINE LEGISLATURE

May 17, 1993

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dr. F. Langdon Davis of Augusta for reappointment to the Animal Welfare Board.

Pursuant to P.L. 1992, Chapter 779, this nomination will require review by the Joint Standing Committee on Agriculture 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 **AGRICULTURE**.

Sent down for concurrence.

The Following Communication: S.P. 501

116TH MAINE LEGISLATURE

May 17, 1993

Senator Mark W. Lawrence
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Ronald J. Mallett of Old Town for appointment and Owen R. Stevens of South Berwick for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-C, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources 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 **ENERGY AND NATURAL RESOURCES**.

Sent down for concurrence.

The Following Communication:

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

May 17, 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 Regarding Family Leave" (H.P. 318) (L.D. 406):

Representative OLIVER of Portland
Representative KONTOS of Windham
Representative LIBBY of Buxton

Sincerely,
S/Joseph W. Mayo
Clerk of the House

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Leslie and Beatrice Craig, of Topsham, on the occasion of their 65th wedding anniversary, June 16, 1993;

SLS 109

Presented by Senator **HARRIMAN** of Cumberland
Cosponsored by: Representative CHONKO of Topsham,
Representative MITCHELL of Freeport

Which was **READ**.

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

Joint Resolution

On motion by Senator **KIEFFER** of Aroostook (Cosponsored by: Senator **HALL** of Piscataquis, Senator **LUDWIG** of Aroostook, Senator **LUTHER** of Oxford, Representative **ANDERSON** of Woodland, Representative **CAMPBELL** of Holden, Representative **CLARK** of Millinocket, Representative **DONNELLY** of Presque Isle, Representative **FARREN** of Cherryfield, Representative **HEINO** of Boothbay, Representative **JACQUES** of Waterville, Representative **KUTASI** of Bridgton, Representative **LARRIVEE** of Gorham, Representative **NICKERSON** of Turner, Representative **RAND** of Portland, Representative **ROBICHAUD** of Caribou, Representative **ROTONDI** of Athens, Representative **TOWNSEND** of Canaan, Representative **TRACY** of Rome) the following Joint Resolution:

S.P. 499

JOINT RESOLUTION SUPPORTING EFFORTS TO RESTORE SALMON TO THE AROOSTOOK RIVER

WHEREAS, Atlantic sea-run salmon constitute an important fishery resource in this State; and

WHEREAS, there are currently only limited efforts to stock the Aroostook River with salmon; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature, now assembled in the First Regular Session, recognize the Aroostook River as a restoration river for Salmo salar, commonly known as Atlantic salmon, and support and encourage efforts by the Atlantic Sea-run Salmon Commission, the United States Fish and Wildlife Service and other interested parties to stock Atlantic salmon in the Aroostook River; and be it further

RESOLVED: That We recognize and support the efforts of the Canadian Government in stocking portions of the Aroostook River; and be it further

RESOLVED: That We pledge to work cooperatively with Canadian officials and the United States Fish and Wildlife Service and interested parties in the restoration of salmon to the Aroostook River; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the members of the Atlantic Sea-run Salmon Commission, the Director of the United States Fish and Wildlife Service, the Regional Director General, Gulf Region, Department of Fisheries and Oceans of Canada and the Regional Director General, Scotia-Fundy Region, Department of Fisheries and Oceans of Canada.

Which was **READ** and **ADOPTED**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans" (Emergency) H.P. 1029 L.D. 1381

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-282)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-282) **READ** and **ADOPTED**, in concurrence.

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

Ought to Pass As Amended

The Committee on **BUSINESS LEGISLATION** on Bill "An Act Regarding Vessels Stored at Marinas" H.P. 481 L.D. 618

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-286)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-286) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act Repealing Advisory Boards on Education Matters" H.P. 803 L.D. 1089

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-281)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-281) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Authorize State Agencies to Accept Funds for a Natural Gas Vehicle Demonstration Project" H.P. 819 L.D. 1105

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-283)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-283)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-283) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Increase the Number of Moose Permits" H.P. 758 L.D. 1025

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-284)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-284) **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 Laws Governing Termination of Parental Rights and Placement of Children" H.P. 109 L.D. 151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-279) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Create a Cause of Action Against the State for Wrongful Imprisonment" H.P. 621 L.D. 845

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-280)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-280) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws" H.P. 649 L.D. 887

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-288)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-288) **READ** and **ADOPTED**, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on JUDICIARY on Bill "An Act to Extend Criminal Sanctions to Certain Child Protective Orders"

H.P. 654 L.D. 892

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-287).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-287) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

The Committee on LABOR on Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (Emergency)

H.P. 976 L.D. 1307

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-285).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-285) READ and ADOPTED, in concurrence.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

The Majority of the Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Maine Pharmacy Act"

H.P. 944 L.D. 1273

Reported that the same Ought to Pass.

Signed:

Senators:

CIANCHETTE of Somerset
BUSTIN of Kennebec

Representatives:

HOGLUND of Portland
HILLOCK of Gorham
THOMPSON of Lincoln
ST. ONGE of Greene
CAMERON of Rumford
WINN of Glenburn
VIGUE of Winslow
CLEMENT of Clinton
REED of Dexter

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

Signed:

Senator:

MARDEN of Kennebec

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

Which Reports were READ.

The Majority OUGHT TO PASS Report ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate

Ought to Pass As Amended

Senator CIANCHETTE for the Committee on BUSINESS LEGISLATION on Bill "An Act to Include Snowmobiles under the Franchise Laws"

S.P. 127 L.D. 364

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

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-155) READ and ADOPTED.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

Senator LAWRENCE for the Committee on ENERGY & NATURAL RESOURCES on Bill "An Act Concerning Continuous Emission Monitoring Devices"

S.P. 368 L.D. 1125

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-154) **READ** and **ADOPTED**.

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

Senator **HANDY** for the Committee on **LABOR** on Bill "An Act to Amend the Minimum Safety Standards for Firefighters" (Emergency) S.P. 374 L.D. 1130

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-153)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-153) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **LABOR** on Bill Act to Improve the Unemployment Collection process for Employer Contributions" S.P. 264 L.D. 802

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

Signed:

Senators:

- HANDY of Androscoggin
- LUTHER of Oxford
- BEGLEY of Lincoln

Representatives:

- RUHLIN of Brewer
- SULLIVAN of Bangor
- COFFMAN of Old Town
- CARR of Sanford
- LINDAHL of Northport
- CLEMENT of Clinton
- AIKMAN of Poland
- ST. ONGE of Greene
- CHASE of China

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

Signed:

Representative:

- LIBBY of Buxton

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-156) **READ** and **ADOPTED**.

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

SECOND READERS

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

House

Bill "An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair" H.P. 417 L.D. 536

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

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

House As Amended

Bill "An Act to Establish Cod Hatcheries" H.P. 211 L.D. 273 (C "A" H-271)

Bill "An Act Concerning Teacher Certification" H.P. 316 L.D. 404 (C "A" H-266)

Bill "An Act to Amend the Sex Offender Registration Act" H.P. 357 L.D. 461 (C "A" H-263)

Bill "An Act to Increase Tenant Representation on Housing Authorities" H.P. 550 L.D. 746 (C "A" H-264)

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 (C "A" H-272)

Bill "An Act to Protect Police Officers from
Armor-piercing Ammunition"

H.P. 643 L.D. 874
(C "A" H-267)

Bill "An Act to Allow the Commissioner of
Conservation to Adopt Rules That Encourage
Conservation of Shore Plants"

H.P. 710 L.D. 961
(H "A" H-275 to C
"A" H-255)

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

Bill "An Act Regarding Missing Children"
(Emergency)

H.P. 425 L.D. 544
(C "A" H-262)

Which was **READ A SECOND TIME**.

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

Senate

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

Bill "An Act Relating to Publication of Legal
Notices" (Emergency)

S.P. 468 L.D. 1460

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

Sent down for concurrence.

Senate As Amended

Bill "An Act to Ensure Uniformity in Gasoline
Octane Levels"

S.P. 151 L.D. 483
(C "A" S-145)

Bill "An Act to Amend the Laws Governing the
Hancock County Budget Advisory Committee"

S.P. 449 L.D. 1416
(C "A" S-146)

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

Sent down for concurrence.

ENACTORS

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

An Act Providing a Limitation on Actions against
Land Surveyors

H.P. 44 L.D. 60
(H "A" H-237 to C
"A" H-154)

An Act to Provide Additional Powers to the Public
Utilities Commission

S.P. 100 L.D. 278
(C "A" S-101)

An Act Related to Mobile Home Parks

S.P. 112 L.D. 313
(S "A" S-107)

An Act to Amend the Maine Housing Authorities Act

H.P. 407 L.D. 520
(C "A" H-232)

An Act Concerning Mooring Permits

H.P. 469 L.D. 606
(C "A" H-219)

An Act Related to Hook-up Fees for New
Installations of Electric Heat

H.P. 500 L.D. 658
(C "A" H-223)

An Act to Clarify the Grounds for Civil Action
for Child Sexual Abuse

S.P. 250 L.D. 769

An Act to Eliminate the Automatic Issuance of
Conditional Withholding Orders

H.P. 593 L.D. 808
(C "A" H-234)

An Act Regarding Judicial Branch Publications

H.P. 596 L.D. 811
(C "A" H-233)

An Act to Amend the Provisions Related to the
Supervised Community Confinement Program

S.P. 269 L.D. 833
(C "A" S-98)

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)

Resolve

An Act to Allow Disclosure of Residential Electrical Costs

H.P. 685 L.D. 926
(C "A" H-224)

An Act Concerning Suspension of Registrations under the Operating-under-the-influence Laws

H.P. 694 L.D. 935

An Act to Amend the Composition of the Port Authority for the Town of Kittery

S.P. 311 L.D. 944
(C "A" S-100)

An Act to Reform the Insurance Code Laws

S.P. 342 L.D. 1039
(C "A" S-99)

An Act to Implement the Recommendations of the Criminal Law Advisory Commission Regarding Revisions to the Maine Criminal Code

S.P. 377 L.D. 1133

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

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 183 L.D. 597
(C "A" S-82; S "A" S-109)

Resolve, Concerning a Special Revenue Account for Emergency Medical Services

H.P. 527 L.D. 711
(C "A" H-230)

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

Emergency

An Act Regarding the Holding of Juveniles in the Androscoggin County Jail

S.P. 26 L.D. 19
(C "A" S-97)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund

H.P. 97 L.D. 139
(H "A" H-145 to C "A" H-114)

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

Emergency

An Act to Provide for the 1993 and 1994 Allocations of the State Ceiling on Private Activity Bonds

S.P. 138 L.D. 429
(C "A" S-112)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 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.

An Act to Change the Scallop Harvesting Season

H.P. 117 L.D. 158
(H "A" H-270 to C "A" H-146)

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

Emergency

An Act to Foster the Bringing Together of Venture Capital and Innovative Business Ideas

H.P. 531 L.D. 715
(C "A" H-231)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Introduce Greater Efficiency in the Provision of Certain State Services

H.P. 577 L.D. 781
(C "A" H-227)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium

H.P. 786 L.D. 1059
(C "A" H-226)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Reduce the Administrative Costs of State Government

H.P. 487 L.D. 645
(C "A" H-228)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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)

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 **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, to Extend the Commission to Study the Feasibility of a Capital Cultural Center and to Establish an Advisory Committee to the Commission

H.P. 827 L.D. 1113

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

ORDERS OF THE DAY

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 17, 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 **CAREY** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-105).

On further motion by same Senator, Senate Amendment "A" (S-123) to Committee Amendment "A" (S-105) **READ** and **ADOPTED**.

Committee Amendment "A" (S-105) As Amended by Senate Amendment "A" (S-123) thereto, **ADOPTED**.

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "B" (S-138) **READ**.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This would send the issue to the Commission on Biotechnology and Genetic Engineering who review the biotechnological products. This amendment would broaden the composition of the Commission. In the course of human events this is not one that will stand out, as we're dealing with a non-issue. Before this Session is over, however, we will be asked to release prisoners from our jails, continuing discharging people with mental illness to the streets, and allow children to remain in horrible conditions, and absolutely slow the process of placing people with mental retardation in appropriate settings. I don't ever remember being consulted before about dairy farmer's drug cabinets or being asked about what you have in your individual medicine cabinets. I don't think this issue is appropriate. I think we have a Commission that should be handling these issues from this day forward. Mr. President, when the vote is taken I would like a Roll Call please. Thank you.

On motion by Senator **PARADIS** of Aroostook, 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 Knox, Senator Pingree.

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to oppose the good Senator from Aroostook and suggest that you not support this amendment to this Bill. We have already had placed before my Committee, the Housing and Economic Development Committee, L.D. 1361 which does virtually the same as what this amendment would do. It suggests that these drugs should be put before the Commission on Biotechnology and that some reconsideration of the membership of that Board, as well as the basic structure under which they work, is re-evaluated and reconsidered. I think this Bill should appropriately be heard in our Committee, it involves parts of the medical sector, the agricultural sector, the forest products industry, but I don't feel that it should be tacked on as an amendment to this Bill. While my Committee was given permission just this last week to hear this Bill this week, we felt that it was not possible to take up a full scale public hearing to make sure that all the people who have been concerned about this very controversial issue are notified in time to give this a full hearing this year. We suggested that it be carried over until next year. We support continuing the moratorium while we're waiting for FDA approval of this drug, while we're waiting for the Clinton administration to put down some new rules. We have time to see what's going to happen before we hear this Bill. I don't think this should be considered as an amendment with no public hearing and no public policy discussion. Just to remind you of why I personally supported this moratorium until next February, from our last discussion, I think that this is an economic issue about the small farmers in this State, about how we support our agricultural industry, and about the public perception of milk. This is a very big question and I do agree that every drug shouldn't come before the legislature, but I do think in this case it's become part of a public debate and we need to treat it responsibly. We can't handle this as an amendment.

Our bio-tech industry, which our Economic Development Committee is very strongly supportive of, is \$178 million industry in this State and I think we need to treat these issues and the public with honesty. I feel the public will have input to keep this a clean industry that can continue to grow and be supported in this State. So I urge you to not support this amendment. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will not elaborate on what the good Senator from Knox, Senator Pingree, has just stated. I will simply stand to support the statements that she has made and ask you not to support the amendment before you. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "B" (S-138).

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

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, BUSTIN, CIANCHETTE, CONLEY, KIEFFER, PARADIS, SUMMERS

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

ABSENT: Senators None

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, with No Senators being absent, the motion of Senator **PARADIS** of Aroostook, to **ADOPT** Senate Amendment "B" (S-138), **FAILED**.

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide for Special Liquor Licenses"

S.P. 442 L.D. 1372

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

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

Pending - **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report

(In Senate, May 17, 1993, **RECONSIDERED ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report.)

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

House Papers

Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the City of Rockland (Emergency)

H.P. 1124 L.D. 1523

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

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

**Pursuant to Statutes
COMMITTEE ON AUDIT AND PROGRAM REVIEW**

The Committee on **AUDIT AND PROGRAM REVIEW**, pursuant to the Maine Revised Statutes, Title 3, section 925, subsection 2, ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase the Revenues of the Board of Examiners of Podiatrists" (Emergency)

H.P. 1125 L.D. 1524

Be referred to the Committee on **AUDIT & PROGRAM REVIEW** for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill referred to the Committee on **AUDIT & PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18.

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

The Bill referred to the Committee on **AUDIT & PROGRAM REVIEW** and **ORDERED PRINTED**, pursuant to Joint Rule 18, in concurrence.

Off Record Remarks

Under suspension of the Rules, the Joint Resolution (S.P. 499) ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

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

PAPERS FROM THE HOUSE

The Chair laid before the Senate the Tabled and 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**.)

On motion by Senator **VOSE** of Washington, Senate Amendment "B" (S-152) to Committee Amendment "A" (S-144) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Vose.

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment simply puts an emergency and a mandate preamble on the Bill. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-152) to Committee Amendment "A" (S-144) **ADOPTED**.

Committee Amendment "A" (S-144) As Amended by Senate Amendment "B" (S-152) thereto, **ADOPTED**.

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

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

Bill "An Act to Permit Children 5 Years of Age to Enter Grade One"

H.P. 184 L.D. 236
(C "A" H-221)

Tabled - May 18, 1993 by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 10, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**, in concurrence.)

(In House, May 17, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221) AS AMENDED BY HOUSE AMENDMENT "A" (H-326)** thereto, in **NON-CONCURRENCE.**)

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

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

Bill "An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills" (Emergency)

H.P. 191 L.D. 254
(C "A" H-217)

Tabled - May 18, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 10, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217)**, in concurrence.)

(In House, May 17, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-217) AS AMENDED BY HOUSE AMENDMENT "A" (H-322)** thereto, in **NON-CONCURRENCE.**)

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

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

Bill "An Act to Prevent Unauthorized Use of the Name Passamaquoddy"

H.P. 584 L.D. 788
(C "A" H-210)

Tabled - May 18, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 6, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210)**, in concurrence.)

(In House, May 17, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210) AS AMENDED BY HOUSE AMENDMENT "A" (H-292)** thereto, in **NON-CONCURRENCE.**)

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

Off Record Remarks

On motion by Senator **MCCORMICK** of Kennebec, **ADJOURNED** until Wednesday, May 19, 1993, at 9:00 in the morning.