

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

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

In Senate Chamber
Wednesday
May 19, 1993

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

Prayer by the Honorable John J. Cleveland of Androscoggin.

SENATOR JOHN J. CLEVELAND: Good morning fellow Senators. I've unfortunately lost my seven page speech so I've chosen, during this moment of reflection and prayer, to share with you a poem from Robert Frost. It's called "Choose Something Like a Star".

O Star (the fairest one in sight),
We grant your loftiness the right
To some obscurity of cloud -
It will not do to say of night,
Since dark is what brings out your light.
Some mystery becomes the proud.
But to be wholly taciturn
In your reserve is not allowed.
Say something to us we can learn
By heart and when alone repeat.
Say Something! And it says "I burn."
But say with what degree of heat.
Talk Fahrenheit, talk Centigrade.
Use language we can comprehend.
Tell us what elements you blend.
It gives us strangely little aid,
But does tell something in the end.
And steadfast as Keats' Eremite,
Not even stooping from its sphere,
It asks a little of us here.
It asks of us a certain height,
So when at times the mob is swayed
To carry praise or blame too far,
We may choose something like a star
To stay our minds on and be staid.

I hope that each of us finds our own star in this most challenging and troubled time. Amen.

Reading of the Journal of Tuesday, May 18, 1993.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority"
S.P. 263 L.D. 801
(C "A" S-103)

In Senate, May 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103) AS AMENDED BY HOUSE AMENDMENT "A" (H-337)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act Repealing Advisory Boards on Transportation Matters"
H.P. 811 L.D. 1097
(C "A" H-248)

In Senate, May 13, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248),** in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248) AS AMENDED BY HOUSE AMENDMENT "A" (H-324)** thereto, in **NON-CONCURRENCE.**

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

House Papers

Bill "An Act to Make Allocations for the Necessary Administration of the Workers' Compensation Laws for the State for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Governor's Bill) (Emergency)
H.P. 1120 L.D. 1519

Committee on **LABOR** suggested and **ORDERED PRINTED.**

Comes from the House referred to the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS.**

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

Joint Resolutions

The Following Joint Resolution: H.P. 1126

**JOINT RESOLUTION MEMORIALIZING THE DEFENSE
BASE CLOSURE AND REALIGNMENT COMMISSION TO
RECONSIDER ITS DECISION TO CLOSE LORING AIR
FORCE BASE IN LIMESTONE, MAINE**

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Defense Base Closure and Realignment Commission, as follows:

WHEREAS, because of changes in national defense circumstances since 1991 that the United States Department of Defense has recognized in proposing modification of the 1991 decisions involving air force installations; and

WHEREAS, the closing of Loring Air Force Base was regarded by the Defense Base Closure and Realignment Commission as one of its most difficult decisions; and

WHEREAS, in the Department of Defense's rationale for its 1993 realignment and closure recommendations, the Air Force states that, in the 3 "principal mobility attributes" of geographic location, attributes and base loading capacity, Loring Air Force Base is equal or superior to Plattsburgh Air Force Base; and

WHEREAS, future encroachment and airspace considerations, "principal mobility attributes" cited in the 1993 Department of Defense rationale, were not considered in the 1991 commission's final consideration as a "discriminator" between Plattsburgh Air Force Base and Loring Air Force Base; and

WHEREAS, the number of aircraft that can be parked at Loring Air Force Base and the number of aircraft that can be parked at Plattsburgh Air Force Base are about the same; and

WHEREAS, in 1991, Loring Air Force Base's modern, state-of-the-art "taxi-on taxi-off" refueling system, which is superior to Plattsburgh Air Force Base's refueling system, became operational; and

WHEREAS, Loring Air Force Base has 9,200,000 gallons on-base capacity, while Plattsburgh Air Force Base has capacity for 3,600,000 gallons; and

WHEREAS, both bases also have off-base storage capacity: Loring Air Force Base's storage facility for 43,500,000 gallons is located in Searsport 200 miles away and is connected by pipeline and Plattsburgh Air Force Base's storage facility for 31,500,000 gallons is on leased space 18 miles away; and

WHEREAS, Plattsburgh Air Force Base is subject to quiet hours and encroachment problems as well as questions with capacity and flexibility for expansion while Loring Air Force Base is not encumbered by any of these problems; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Defense Base Closure and Realignment Commission to reconsider its decision to close Loring Air Force Base in Limestone, Maine; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each member of the Defense Base Closure and Realignment Commission.

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

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

COMMUNICATIONS

The Following Communication:

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

May 18, 1993

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents" (H.P. 259) (L.D. 337).

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

SENATE PAPERS

Resolve, Authorizing the Conveyance of Certain Public Lands in Newcastle

S.P. 502 L.D. 1525

Presented by Senator **BEGLEY** of Lincoln
(GOVERNOR'S BILL)
Cosponsored by Representative: **KILKELLY** of Wiscasset

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Change of Reference

The Committee on **JUDICIARY** on Resolve, to Establish the Commission on the Status of Alleged Child Abusers (Emergency)

H.P. 991 L.D. 1322

Reported that the same be **REFERRED** to the Committee on **AUDIT & PROGRAM REVIEW**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AUDIT & PROGRAM REVIEW**.

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

The Resolve **REFERRED** to the Committee on **AUDIT & PROGRAM REVIEW**, in concurrence.

Ought to Pass

The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Require Employee Leasing Companies to Post Security Bonds or Deposit Securities"

H.P. 1012 L.D. 1358

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-325)**.

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

The Bill **READ ONCE**.

House Amendment "A" (H-325) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BUSINESS LEGISLATION** on Bill "An Act Regarding Registration of Nursing Assistants"

H.P. 1028 L.D. 1380

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

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

H.P. 591 L.D. 806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-303)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-303) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE** on Bill "An Act Repealing Advisory Boards on Agriculture Matters"

H.P. 799 L.D. 1085

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-302)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-302)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-302) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING & INSURANCE** on Bill "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism" (Emergency)

H.P. 292 L.D. 379

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-304).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-304) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Mutual Holding Company Laws"

H.P. 477 L.D. 614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-305).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305).**

Which Report was **READ.**

Senate at Ease

Senate called to order by the President.

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

The Joint Select Committee on **CORRECTIONS** on Bill "An Act Repealing Advisory Boards on Corrections Matters"

H.P. 850 L.D. 1155

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-293).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-293).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-293) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **CORRECTIONS** on Bill "An Act Regarding the Holding of Juveniles in the Penobscot County Jail"

H.P. 1026 L.D. 1378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-294).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-294).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-294) **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 Facilitate Municipal Road Construction"

H.P. 144 L.D. 189

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-299).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-299) **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 Encourage the Implementation of the Solid Waste Management Hierarchy"

H.P. 525 L.D. 709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-297)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-297) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (Emergency)

H.P. 572 L.D. 777

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-301)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AND HOUSE AMENDMENT "A" (H-328)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-301) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-328) **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 Amend and Clarify the Solid Waste Management Laws"

H.P. 756 L.D. 1023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-298)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-298) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Repealing Advisory Boards on Energy and Natural Resource Matters"

H.P. 804 L.D. 1090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-300)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-300)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-300) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Expand the Membership of the Interagency Task Force on Homelessness and Housing Opportunities"

H.P. 739 L.D. 997

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-295)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-295) **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 Adverse Possession of Real Estate"

H.P. 790 L.D. 1076

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-314).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-314).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-314) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request"

H.P. 793 L.D. 1079

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-315).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-315).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-315) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property"

H.P. 236 L.D. 304

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-291).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-291).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-291) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Require Additional Landlord Disclosures"

H.P. 563 L.D. 760

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-290).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-290).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-290) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act Amending the Liquor License Laws"

H.P. 792 L.D. 1078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-306).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-306).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-306) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act Concerning the Payment of Assessed Property Taxes" (Emergency)

H.P. 322 L.D. 410

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-312).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-312) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Better Preserve and Protect Endangered and Threatened Wildlife in Maine"

H.P. 512 L.D. 670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-308)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-308)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-308) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities"

H.P. 586 L.D. 790

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-311)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-311)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-311) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Authorize Special Property Tax Districts"

H.P. 708 L.D. 959

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-309)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-309) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Prohibit Valuation of Real Property in Excess of 100 Percent"

H.P. 734 L.D. 992

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-313)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-313)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-313) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Provide for Water Rights to the Town of New Gloucester"

H.P. 62 L.D. 92

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88) AND HOUSE AMENDMENT "A" (H-339)**.

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-339) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Limits on Security Deposits"

H.P. 898 L.D. 1213

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

Signed:

Senator:

HALL of Piscataquis

Representatives:

DAGGETT of Augusta
GAMACHE of Lewiston
STEVENS of Sabattus
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg

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

Signed:

Senators:

CAREY of Kennebec
HANDY of Androscoggin

Representatives:

LEMKE of Westbrook
BOWERS of Washington

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

Which Reports were **READ.**

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Improve Communication between the Executive and Legislative Branches"

H.P. 419 L.D. 538

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251).**

Signed:

Representatives:

AHEARNE of Madawaska
WALKER of Blue Hill
BENNETT of Norway
JOSEPH of Waterville
ROWE of Portland
YOUNG of Limestone
KILKELLY of Wiscasset

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

GRAY of Sedgwick
LOOK of Jonesboro
DUTREMBLE of Biddeford

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251).**

Which Reports were **READ.**

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature

H.P. 432 L.D. 551

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

LOOK of Jonesboro
AHEARNE of Madawaska
WALKER of Blue Hill
GRAY of Sedgwick
DUTREMBLE of Biddeford
ROWE of Portland
JOSEPH of Waterville
KILKELLY of Wiscasset

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-276).**

Signed:

Senator:
BUTLAND of Cumberland

Representatives:
BENNETT of Norway
YOUNG of Limestone

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

Which Reports were **READ**.

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

Senate

Change of Reference

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Permit Collection of Public Assistance Overpayments by Administrative Process" (Governor's Bill) S.P. 471 L.D. 1463

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator **LAWRENCE** for the Committee on **EDUCATION** on Bill "An Act to Make Corrections to the Salary Reductions Authorized in Public Law 1991, Chapter 780, Part III" (Emergency) S.P. 203 L.D. 639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-162)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-162) **READ** and **ADOPTED**.

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

Senator **O'DEA** for the Committee on **EDUCATION** on Bill "An Act to Enhance Voters' Rights in Budget Approval of School Districts" (Emergency) S.P. 252 L.D. 771

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-163) **READ** and **ADOPTED**.

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

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Determine Eligibility of Child for Benefits" S.P. 245 L.D. 764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-161)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-161) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Establish a Surplus Energy Program" S.P. 111 L.D. 312

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-157) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act Allowing the Town of Pittsfield to Obtain Water from the Town of Burnham" S.P. 450 L.D. 1417

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-158) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Minimize Electric Rates" S.P. 307 L.D. 940

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-159)**.

Signed:

Senators:

VOSE of Washington
CARPENTER of York

Representatives:

TAYLOR of Cumberland
MORRISON of Bangor
CLARK of Millinocket
AIKMAN of Poland
DONNELLY of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-160)**.

Signed:

Senator:

CLEVELAND of Androscoggin

Representatives:

HOLT of Bath
ADAMS of Portland
CASHMAN of Old Town
COFFMAN of Old Town
KONTOS of Windham

Which Reports were **READ**.

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

SECOND READERS

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

House

Bill "An Act to Amend the Maine Pharmacy Act" H.P. 944 L.D. 1273

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

House As Amended

Bill "An Act to Amend the Laws Governing Termination of Parental Rights and Placement of Children"

H.P. 109 L.D. 151
(C "A" H-279)

Bill "An Act Regarding Vessels Stored at Marinas"

H.P. 481 L.D. 618
(C "A" H-286)

Bill "An Act to Create a Cause of Action Against the State for Wrongful Imprisonment"

H.P. 621 L.D. 845
(C "A" H-280)

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
(C "A" H-288)

Bill "An Act to Extend Criminal Sanctions to Certain Child Protective Orders"

H.P. 654 L.D. 892
(C "A" H-287)

Bill "An Act to Increase the Number of Moose Permits"

H.P. 758 L.D. 1025
(C "A" H-284)

(See Action Later Today)

Bill "An Act Repealing Advisory Boards on Education Matters"

H.P. 803 L.D. 1089
(C "A" H-281)

Bill "An Act to Authorize State Agencies to Accept Funds for a Natural Gas Vehicle Demonstration Project"

H.P. 819 L.D. 1105
(C "A" H-283)

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
(C "A" H-285)

Bill "An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans" (Emergency)

H.P. 1029 L.D. 1381
(H "A" H-282)

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

Senate As Amended

Bill "An Act to Include Snowmobiles under the Franchise Laws"

S.P. 127 L.D. 364
(C "A" S-155)

Bill "An Act Relating to the Portland Harbor Commission and Portland Harbor"

S.P. 315 L.D. 948
(S "B" S-152 to C "A" S-144)

Bill "An Act Concerning Continuous Emission Monitoring Devices"

S.P. 368 L.D. 1125
(C "A" S-154)

Bill "An Act to Amend the Minimum Safety Standards for Firefighters" (Emergency)

S.P. 374 L.D. 1130
(C "A" S-153)

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

Sent down for concurrence.

On motion by Senator **CONLEY** of Cumberland, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:

Bill "An Act to Increase the Number of Moose Permits"

H.P. 758 L.D. 1025
(C "A" H-284)

(In Senate, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I realize that this Report represents a unanimous report of the Fisheries Committee and I would like to ask if somebody on the Committee, since I have not had an opportunity to discuss this in my own caucus, might explain exactly what this Bill does. 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 Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Department of Inland Fisheries and Wildlife came to us and asked

us to simply give them permission to control the herd, which they would decide what the hunt would be and what numbers would conserve the herd and what numbers would protect public safety. The Committee was not willing to go that far but they did allow them to take 200 more moose the first year, 200 the second and 100 moose the third for a total of 1500 over a period of three years, but they have to report back to the Committee every year so that that can be changed at any time. We felt that was a reasonable compromise. It is also going to expand where the moose hunt can be taken. Certainly, in the western mountains the moose have become a road hazard and I wanted my district included in whatever they decide to do there. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to anyone who may care to answer and that is, is there a sunset on the number of 1500 to revert back to 1000 at the end of the three year period?

THE PRESIDENT: The Senator from Penobscot, Senator Pearson has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Bill is, in effect, sunsetted every year because every year they must come back to the Committee and every year the Committee can change that number. So yes it is. It can sunset to less than 1000 if that is what the resource demands. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What I want to know is does it legally go back to the number of 1000 automatically at the end of the three years? Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. No it does not. It is going to be decided by the Department what the resource is good for and then the Committee will make a decision in conjunction with the biologists and the Department. Thank you.

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

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This debate has gone back many years in reference to how hunting of moose will be conducted in this State. As I recall when a long hard battle was fought to get 1000 permits, one which was waged here for a number of years, at that time, I believe, a promise was made that no more than 1000 permits would ever be sought, and that problems that occur in some of the areas such as the good Senator's from Oxford, involving these districts in which there have been more

accidents involving moose, it is my understanding that the Department already has the authority to allow more moose to be taken, within the 1000 limit, from that particular district. I believe at this time to increase in anyway, to allow the number of permits to increase in reference to the taking of moose, is a violation of that trust and I would be opposed to it.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. York County is not in a moose hunting district so therefore there is no legal method of thinning the herd that we have in York County. I believe this Bill should be passed in order to control the moose population. Sanford, Maine is about as close as you can get to the ocean, and even York and Wells and Biddeford, we are having more and more incidents of moose accidents, motorcycles, automobiles, falling into swimming pools. I like the moose, I love to look at them but I don't need it in my swimming pool or on the hood of my automobile and I believe we should support this Bill. 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. If we were to follow that logic, there are also a lot of pedestrians who get hit by cars on a yearly basis and I assume we're not going to take them out and shoot them. When it comes to moose I don't think anybody is kidding anybody here, it is the only game animal known to man or woman that you can actually have your picture taken with before you shoot it. If we are going to gradually increase these permits to allow the taking of these moose, and nobody is kidding anybody here, it's really a way for the Department to gather resources, to get money, through the lottery and the number of permits. I just think it's wrong and I don't think we should be increasing our revenues in this State by attracting that type of money. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Following that logic we would apply for permits to eliminate pedestrians. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Department, under the present statute, does indeed have the authority to declare where they will have the most permits issued. The problem at this present time is if they shift that around to a particular area that is having a lot of moose vehicle collisions than that will simply increase the moose herd in another area. This is happening all over the State basically. We're paying good money for professionals to manage a particular resource here. If we do not listen to those management people then why have them? Why have them? They are saying that the moose population definitely could sustain having more moose taken. I think the safeguards are definitely built into this particular Bill so that we can control it. The only other way that we could, or the State could,

eliminate some of these moose along the highway is through a scientific collectors permit. I can assure you that if we send Game Wardens out there to shoot moose on the highways that we would be in trouble. I don't think the public would stand for that. This is a renewable resource as long as it is managed properly, it will continue to be there, there are plenty of moose around for anyone who wants to go photographing or videoing or anything they want to do. I wouldn't want it any other way but please listen to the professionals. They know more than you and I and I think we should give them a chance. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to thank the good Senator from Cumberland for bringing this to our attention. I know this has been an awful issue in our area and I've been waiting the entire session to have an opportunity to debate this issue. I'm glad it hasn't gotten in the way of the budget discussions, or that the budget hasn't gotten in the way of this discussion. I know in the Lewiston Auburn area we have been having quite a lot of trouble with moose. They come into our backyards, swim in our pools, sit on our patio furniture, block the intersections and get in the way of the drive up window at Dunkin' Donuts, so I hope, as they are allocating these additional permits, that they will certainly consider the problem in the Auburn and Lewiston area because it's certainly holding up economic development. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In light of the remarks of my good friend from Androscoggin, I'm wondering if maybe we could delay this for a few minutes and get a Joint Resolution together to send down to the Fish and Wildlife Department. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The President of the Senate and I, I think I'm not sure but I think, were the only two, and Senator Vose, that when the original debate took place were here. We were given assurances at the time that 1000 was what was necessary to have and there were people who got up and said this is just a foot in the door, they're going to want more, and the answer to that was no, no, no. We won't want more. This is it. Ever since then every two years there's been some Bill in to increase the amount of moose that can be taken. Every single time the argument is always advanced that it is because of traffic problems, people are getting hit in their automobile and everything. That does happen once or twice a year, it also happens with a lot of other things in life, like the good Senator from Cumberland said, pedestrians, deer and everything else. That's the excuse that has been used. I'm really not buying it myself. I think 1000 is enough. I might be able to stretch my mind a little bit if it had a sunset or if the Committee had said we have a particular problem around Route 11, or we've got a particular problem in western Maine. Like the Senator from Cumberland, Senator Conley, said, they could allocate more permits in that particular area if there is a nuisance being caused

by these particular animals. It's pretty transparent to me it's just a method of raising money and I don't think we ought to be doing that to the State's animal. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If we want to belabor this Bill then we'll do it but I think probably everybody has got their mind all made up on how they will vote on the Division. When they promised 1000 moose and no more I was not here but I think that anyone can see the situation has changed and the moose became an actual danger, not just to traffic but what about other animals. Deer do not thrive very well where there are moose and we have reached a point where we need to cull more than 1000 from the herd. I deeply, deeply, resent the implication that's been made here that we are selling the moose for money. That is not true. That was not the intent of the Committee. The intent of the Committee is to let the professionals manage the herd. Thank you.

Off Record Remarks

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I represent an area that probably has as many moose as there are in any area of the State. I also firmly believe that we hire biologists for a reason. This Bill, it seems to me, allows the limit to be reduced below 1000 as well as it allows it to be gradually increased above 1000. It might very well be 300 if we listen to our biologists. If we're not going to listen to them then I suggest we get rid of them. When I first started fishing the limit on trout was 25 now it's down to 5, now that limit was not changed here in this body, it was changed by the Department on the advice of the Fisheries biologists. If we aren't going to listen to them let's get rid of them. Thank you.

On motion by Senator **LUTHER** of Oxford, 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 Piscataquis, Senator Hall.

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One more item I would like to mention to you and you are right as far as everything that went on to obtain a moose season. I was very much involved in that work with the Department at that time. The point I want to make, prior to having that season, we had a lot of disease among the moose herd in this State called the Meningeal Worm. Once we started having a season that went down, as the moose herd increases I can assure you that's coming back. If we do not allow the taking of more moose you will see this spread and mother nature will kill them off. I can also assure

you that is not a pleasant way for any animal to die. I would urge the passage of this Bill. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I feel compelled to get involved in this moose mania that we are dealing with this morning. As Senator Pearson was reminiscing I'd like to reminisce back a little further. Twenty years ago, probably about today, we were debating the moose bill in this body, which I was a member of. Senator Greeley, from Waldo, was seated where Senator Carey of Kennebec sits now. He and I led a charge and denied the permits to hunt moose twenty years ago. Eighteen years ago we understood early on in the session that this moose hunting licensing bill was going to be coming up and early in the session Senator Greeley and I went around the body and we had something like 23 solid commitments that they would not vote for the moose bill. That year they had a tremendous hearing, I think they held it in the Civic Center, there were hundreds of people who came and testified on why and why we should not have moose hunting permits. It went through that whole process and when it came to the Senate there were 23 votes against the moose hunting bill. That year I got out of the Senate, that was the last year I served and Senator Greeley served one more year and without my help he lost, and we had the moose hunting bill. I just thought everybody would like to know that history. Thank you.

Senator **LUTHER** of Oxford requested and received leave of the Senate to withdraw her motion for a Roll Call.

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

A Division has been requested.

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

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

23 Senators having voted in the affirmative and 8 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

Bill "An Act to Improve the Unemployment Collection Process for Employer Contributions"
S.P. 264 L.D. 802
(C "A" S-156)

Which was **READ A SECOND TIME**.

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

ENACTORS

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

An Act to Correct Errors and Inconsistencies in the Growth Management Laws

H.P. 388 L.D. 501
(C "A" H-218)

An Act to Provide Additional Exemptions to the Need for a Cosmetology License

H.P. 395 L.D. 508
(C "A" H-243)

An Act to Extend the Retirement Incentive Option for Two Years

H.P. 462 L.D. 599
(C "A" H-220)

An Act to Clarify Reporting Requirements for Medical Malpractice Carriers to the Bureau of Insurance

S.P. 267 L.D. 804
(C "A" S-114)

An Act Simplifying Dealer Sale of Firearms

H.P. 626 L.D. 846
(C "A" H-249)

An Act to Establish the Maine Promotion Council Cooperative

H.P. 642 L.D. 873
(C "A" H-241)

An Act to Require Sellers of Mobile Homes to Make Specific Disclosures Regarding Formaldehyde When the Purchase Agreement is Executed

H.P. 690 L.D. 931
(C "A" H-245)

An Act Relating to the Maine Endangered and Nongame Wildlife Fund

H.P. 748 L.D. 1015
(C "A" H-246)

An Act Concerning the Hunting of Bear

H.P. 749 L.D. 1016
(C "A" H-247)

An Act Concerning the Definition of Compact Area for Municipalities

H.P. 770 L.D. 1043

An Act to Change Public Hearing Requirements for Certain Railroad Grade Crossing Projects

H.P. 926 L.D. 1249
(C "A" H-235)

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

An Act to Amend the Motor Vehicle Laws

H.P. 482 L.D. 619
(S "A" S-127 to C
"A" H-183)

On motion by Senator **BRANNIGAN** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**.

An Act Regarding Law Court Staffing

H.P. 699 L.D. 951
(C "A" H-240)

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

Resolve

Resolve, to Name the So-called "Covered Bridge", No. 2189, Spanning the Aroostook River, in Presque Isle on Route 1, the Harold N. Flagg Memorial Bridge
H.P. 901 L.D. 1216
(C "A" H-236)

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

Emergency

An Act Regarding the Use of Natural Gas in Motor Vehicles

H.P. 421 L.D. 540
(H "A" H-269 to C
"A" H-222)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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 Related to Conferring Degrees by Thomas College

H.P. 988 L.D. 1319
(C "A" H-244)

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.

Mandate

An Act to Establish an Automobile Recycling Permit

H.P. 255 L.D. 334
(C "A" H-143; H "A" H-239)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative, and 32 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.

Mandate

An Act to Amend the Waldoboro Utility District Charter

H.P. 745 L.D. 1012
(C "A" H-225)

On motion by Senator **VOSE** of Washington, the Senate **SUSPENDED THE RULES.**

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

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-225), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-164) to Committee Amendment "A" (H-225) **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 corrects an incorrect reference to the statute. Now it's the Bill itself. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-164) to Committee Amendment "A" (H-225) **ADOPTED.**

Committee Amendment "A" (H-225) As Amended by Senate Amendment "A" (S-164) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

Under suspension of the Rules, ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication:

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

May 18, 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 Transportation has had under consideration the nomination of Deborah H.S. Cianchette of Saco, for appointment to the Maine Turnpike 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. 3 Brannigan of Cumberland,
Paradis of Aroostook, Gould
of Waldo

Rep. 8 O'Gara of Westbrook, Hussey
of Milo, Ricker of Lewiston,
Plourde of Biddeford,
Driscoll of Calais, Strout of
Corinth, Bailey of
Farmington, Bailey of
Township 27

NAYS: 1 Rep. Melendy of Rockland

ABSENT: 1 Rep. Martin of Van Buren

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Deborah H. S. Cianchette of Saco, for appointment to the Maine Turnpike Authority be confirmed.

Signed:

S/Joseph C. Brannigan
Senate Chair

S/William B. O'Gara
House Chair

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

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

Senator **SUMMERS**: Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to this communication, the nomination of Deborah Cianchette of Saco to the Maine Turnpike, I just want the members of the body to know how proud I am, not only because a constituent of mine is being appointed to the Turnpike but because she is the first woman ever to serve on the Turnpike. Ms. Cianchette is an incredibly qualified individual and with her energy and commitment and enthusiasm I think that the Maine Turnpike is going to be well served, not only for the rest of this decade, but into the next century. Thank you.

THE PRESIDENT: The Joint Standing Committee on Transportation has recommended the nomination of Deborah H.S. Cianchette of Saco be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Transportation 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, 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, SUMMERS, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, PINGREE, WEBSTER

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 Deborah H.S. Cianchette, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **UTILITIES** on Bill "An Act Amending the Charter of the Brewer Water District" (Emergency)

H.P. 615 L.D. 830

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-250)**.

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

Pending - **ACCEPTANCE** of Report, in concurrence

(In Senate, May 17, 1993 Report **READ** and **ACCEPTED**, in concurrence. Subsequently, **RECONSIDERED**.)

(In House, May 13, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND HOUSE AMENDMENT "A" (H-278)**.)

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

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

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

SLS 109

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

Pending - **PASSAGE**

(In Senate, May 18, 1993 **READ**.)

Which was **PASSED**.

Sent down for concurrence.

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

Bill "An Act Regarding Missing Children" (Emergency)

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

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

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

(In Senate, May 18, 1993 **READ A SECOND TIME.**)

(In House, May 13, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262).**)

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-262), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-167) to Committee Amendment "A" (H-262) **READ** and **ADOPTED.**

Committee Amendment "A" (H-262) As Amended by Senate Amendment "A" (S-167) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

Under suspension of the Rules, ordered sent down forthwith 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 18, 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.)

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. Were we pending the motion to accept the Majority Ought Not to Pass Report?

THE PRESIDENT: The Chair would answer in the affirmative.

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that you would vote against the motion for Ought Not to Pass so that we can submit to this body an amendment which cleans up the entire problem and the reason why this Bill was Ought Not to Pass. Thank you.

THE PRESIDENT: The Chair would inform the Senate that the motion to accept the Ought Not to Pass Report was made by the presiding Officer. The motion to accept the Minority Ought to Pass Report by that Senator is a motion the Chair will entertain.

Senator CAREY of Kennebec moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report.

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

Senator CAHILL: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm not sure that all the members of the Legal Affairs Committee have been made aware of this amendment and seeing as it's a fairly substantial amendment I would appreciate it if we could either talk about it a little bit or have it Tabled for 1 Legislative day. Thank you.

THE PRESIDENT: The Chair would inform the Senate that we should move on a Report and then discuss the amendment afterwards.

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

Senator CAREY: Thank you Mr. President, Ladies and Gentlemen of the Senate. The gentlelady from Woolwich deserves an answer and we in fact met with the good Senator from Cumberland, Senator Conley, he came up to the Legal Affairs Committee and presented his proposal for the amendment and the Legal Affairs Committee, in its wisdom, has decided to back off from the Ought Not to Pass Report to accept the Ought to Pass Report and then let the good Senator offer his amendment. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Hall.

Senator HALL: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would encourage you to vote against the Ought Not to Pass motion on this Bill.

The Minority **OUGHT TO PASS** Report **ACCEPTED.**

Which was, under suspension of the Rules, **READ TWICE.**

On motion by Senator CONLEY of Cumberland, Senate Amendment "A" (S-166) **READ.**

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

Sent down for concurrence.

Senator **CONLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment which has just been distributed this morning was presented by myself to the Legal Affairs Committee yesterday after seeing that the Bill, which was originally mine, had come out with a 12 - 1 Ought Not to Pass Report. As we get into these last few days it is often difficult to find out when bills are going to be worked on and debated and I was not present to explain to the Committee what the thrust of the original bill was. The Committee had legitimate problems with the bill as it was drafted, that portion of the original bill which has been taken out dealt with brewers, home brewers, Maine brewers being able to brew more beer. I can understand some concerns of people on that issue. The amendment before the body was really sort of unrelated to it but was part of the original bill and was really the most important part of the bill. What this amendment would allow is right now Maine breweries can hold taste testing festivals within the State of Maine as a chance for them to get together and show of their wares, so to speak. The reason this bill came forward is that some breweries within the State wanted to bring in breweries from outside of the State and have an international or a national festival. One of these events recently occurred in Boston which was a great economic boon for that city and to me it sounded like a good idea for the State of Maine. It would give us a chance to really do something, at least in this little small area for economic development, I know those are the two key words you have to use in reference to any bill these days to get anybody to pay attention. In any case I tried to talk to the good Senator from Piscataquis, Senator Hall, this morning about the amendment. I know he hasn't had an opportunity to digest it shall we say, and if somebody would like to Table the bill so that he does have a chance to do that I would certainly understand and appreciate it. If not I would hope that the body would go along with adopting this amendment since I did meet with the entire Committee. Thank you.

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to the Senator from Cumberland, Senator Conley. Is this taste testing festival going to take place in Calais or at Marden's or where will it be taking place?

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

Senator **CONLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Actually in answer to the good Senator from Penobscot this taste testing, should the municipal officials allow it, could take place right in my house and I would invite you. The municipal officials will have total control over where any event such as this would occur. Thank you.

On motion by Senator **CONLEY** of Cumberland, Senate Amendment "A" (S-166) **ADOPTED**.

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

The Chair laid before the Senate the Tabled and Today Assigned 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)

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, the Senate **INSISTED**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and 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, the Senate **INSISTED**.

Sent down for concurrence.

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

Off Record Remarks

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

Off Record Remarks

On motion by Senator **FOSTER** of Hancock, **ADJOURNED** until Thursday, May 20, 1993, at 9:00 in the morning.