

# 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

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

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

In Senate Chamber  
Thursday  
May 20, 1993

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

Prayer by the Honorable Robert R. Gould of Waldo.

**SENATOR ROBERT R. GOULD:** Let us be in a spirit of prayer. Almighty God grant that your power, love and passion for justice pervades the hearts and minds of the women and men of the Maine Senate. Guide us as we frame legislation that benefits the citizens of this State. We humbly ask you O Lord to give all of us the wisdom to make right decisions in crucial matters. Give to all of this elected body patience in times of frustration and confrontation on the major issues of the day. Help us to sense your hand at work in all of our deliberations. Finally, O Lord, help us all as citizen's servants, blend our desire to serve this great State with a sense of the destiny in which we are involved with you. Amen.

Reading of the Journal of Wednesday, May 19, 1993.

**PAPERS FROM THE HOUSE**

**Non-concurrent Matter**

Bill "An Act to Exempt Certain Greenhouse and Nursery Owners from Licensing Fees"

H.P. 166 L.D. 218  
(H "A" H-238 to C  
"A" H-209)

In Senate, May 13, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209) AS AMENDED BY HOUSE AMENDMENT "A" (H-238)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209) AS AMENDED BY HOUSE AMENDMENTS "A" (H-238) AND "B" (H-361)** thereto, in **NON-CONCURRENCE**.

**Non-concurrent Matter**

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Protect State Parks  
H.P. 176 L.D. 228  
(C "A" H-92)

In Senate, April 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92) AS AMENDED BY HOUSE AMENDMENT "A" (H-360)** thereto, in **NON-CONCURRENCE**.

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

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was looking at the amendment which comes from the other body, H-360, and it fairly substantially changes the legislation which was a unanimous Committee Report. It also includes a 4/5 vote of the legislature in order to make a change. I've never heard of a 4/5 vote of the legislature and it seems to be fairly different from the original and I thought we should either discuss it now or perhaps Table it until later in today's session. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending motion by the same Senator to **RECEDE** and **CONCUR**.

**COMMUNICATION**

The Following Communication: S.P. 503

**116TH MAINE LEGISLATURE**

May 19, 1993

Senator John J. O'Dea  
Rep. Elizabeth H. Mitchell  
Chairpersons  
Joint Standing Committee on Education  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Bennett D. Katz of Augusta, James R. Caron of Fort Kent and George W. Wood, III of Orono for reappointments to the University of Maine Board of Trustees.

Pursuant to P&S Law 1967 Chapter 229, these nominations will require review by the Joint Standing Committee on Education 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 **EDUCATION**.

Sent down for concurrence.

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**COMMITTEE REPORTS**

**House**

**Ought to Pass As Amended**

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act to Amend the Maine State Retirement System Laws Related to the Participating Local Districts Consolidated Plan" (Emergency)  
H.P. 755 L.D. 1022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-327)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-327)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-327) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Concerning Massage Therapists"  
H.P. 982 L.D. 1313

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-333) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Shoreland Zoning Law"  
H.P. 168 L.D. 220

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-335)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-335)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-335) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Establish Uniform Procedures and Standards for Administrative Consent Agreements"  
H.P. 179 L.D. 231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-334)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-334) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Regarding the Department of Environmental Protection Rulemaking"  
H.P. 861 L.D. 1170

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **FISHERIES & WILDLIFE** on Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Establish Open and Closed Seasons on the Hunting of Deer"  
H.P. 940 L.D. 1269

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-320).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-320) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **FISHERIES & WILDLIFE** on Bill "An Act Regarding Suspension of Maine Guide Licenses"  
H.P. 1001 L.D. 1347

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-321).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-321) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act to Improve Access of Injured Workers to Medical Care"  
H.P. 644 L.D. 875

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-331).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-331) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR** on Bill "An Act to Bring the State Tipping Wage up to the Federal Tipping Wage"  
H.P. 993 L.D. 1335

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-332).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-332).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-332) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AFFAIRS** on Bill "An Act Related to Lottery Machines"  
H.P. 159 L.D. 211

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-319).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-319) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Termination of Tenancies at Will"  
H.P. 468 L.D. 605

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-316)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94" (Emergency)  
H.P. 859 L.D. 1168

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-310)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-310) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Workers' Compensation Laws"  
H.P. 530 L.D. 714

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

Signed:

Senators:

MCCORMICK of Kennebec  
CAREY of Kennebec

Representatives:

PINEAU of Jay  
HALE of Sanford  
CARLETON of Wells  
RAND of Portland  
JOSEPH of Waterville  
TOWNSEND of Canaan  
TRACY of Rome  
ERWIN of Rumford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-259)**.

Signed:

Senator:

KIEFFER of Aroostook

Representatives:

KUTASI of Bridgton  
CAMPBELL of Holden

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

Which Reports were **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices"  
S.P. 225 L.D. 696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-168)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-168) **READ** and **ADOPTED**.

The Bill as Amended, TOMORROW ASSIGNED FOR SECOND READING.

**Divided Report**

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish Term Limitations for Presiding Officers, Leadership and Committee Chairs"

S.P. 249 L.D. 768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-165).**

Signed:

Senators:

BERUBE of Androscoggin  
BUTLAND of Cumberland

Representatives:

ROWE of Portland  
KILKELLY of Wiscasset  
BENNETT of Norway  
YOUNG of Limestone  
LOOK of Jonesboro  
GRAY of Sedgwick  
DUTREMBLE of Biddeford

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

Signed:

Senator:

ESTY of Cumberland

Representatives:

AHEARNE of Madawaska  
WALKER of Blue Hill  
JOSEPH of Waterville

Which Reports were **READ.**

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

**SECOND READERS**

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

**House**

Bill "An Act Regarding Registration of Nursing Assistants"

H.P. 1028 L.D. 1380

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

**House As Amended**

Bill "An Act to Provide for Water Rights to the Town of New Gloucester"

H.P. 62 L.D. 92  
(C "A" H-88; H "A" H-339)

Bill "An Act to Facilitate Municipal Road Construction"

H.P. 144 L.D. 189  
(C "A" H-299)

Bill "An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property"

H.P. 236 L.D. 304  
(C "A" H-291)

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  
(C "A" H-304)

Bill "An Act Concerning the Payment of Assessed Property Taxes" (Emergency)

H.P. 322 L.D. 410  
(C "A" H-312)

Bill "An Act to Better Preserve and Protect Endangered and Threatened Wildlife in Maine"

H.P. 512 L.D. 670  
(C "A" H-308)

Bill "An Act to Encourage the Implementation of the Solid Waste Management Hierarchy"

H.P. 525 L.D. 709  
(C "A" H-297)

Bill "An Act to Require Additional Landlord Disclosures"

H.P. 563 L.D. 760  
(C "A" H-290)

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (Emergency)

H.P. 572 L.D. 777  
(C "A" H-301; H "A" H-328)

Bill "An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities"

H.P. 586 L.D. 790  
(C "A" H-311)

Bill "An Act to Extend the Maine Dairy Farm Stabilization Act"

H.P. 591 L.D. 806  
(C "A" H-303)

(See Action Later Today)

Bill "An Act to Authorize Special Property Tax Districts"

H.P. 708 L.D. 959  
(C "A" H-309)

Bill "An Act to Prohibit Valuation of Real Property in Excess of 100 Percent"

H.P. 734 L.D. 992  
(C "A" H-313)

Bill "An Act to Expand the Membership of the Interagency Task Force on Homelessness and Housing Opportunities"

H.P. 739 L.D. 997  
(C "A" H-295)

Bill "An Act to Amend and Clarify the Solid Waste Management Laws"

H.P. 756 L.D. 1023  
(C "A" H-298)

Bill "An Act to Amend the Laws Governing Adverse Possession of Real Estate"

H.P. 790 L.D. 1076  
(C "A" H-314)

Bill "An Act Amending the Liquor License Laws"

H.P. 792 L.D. 1078  
(C "A" H-306)

Bill "An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request"

H.P. 793 L.D. 1079  
(C "A" H-315)

Bill "An Act Repealing Advisory Boards on Agriculture Matters"

H.P. 799 L.D. 1085  
(C "A" H-302)

Bill "An Act Repealing Advisory Boards on Energy and Natural Resource Matters"

H.P. 804 L.D. 1090  
(C "A" H-300)

Bill "An Act Repealing Advisory Boards on Corrections Matters"

H.P. 850 L.D. 1155  
(C "A" H-293)

Bill "An Act to Require Employee Leasing Companies to Post Security Bonds or Deposit Securities"

H.P. 1012 L.D. 1358  
(H "A" H-325)

Bill "An Act Regarding the Holding of Juveniles in the Penobscot County Jail"

H.P. 1026 L.D. 1378  
(C "A" H-294)

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

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**Senate As Amended**

Bill "An Act to Establish a Surplus Energy Program"

S.P. 111 L.D. 312  
(C "A" S-157)

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  
(C "A" S-162)

Bill "An Act to Determine Eligibility of Child for Benefits"

S.P. 245 L.D. 764  
(C "A" S-161)

Bill "An Act to Enhance Voters' Rights in Budget Approval of School Districts" (Emergency)

S.P. 252 L.D. 771  
(C "A" S-163)

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

Sent down for concurrence.

---

Bill "An Act Allowing the Town of Pittsfield to Obtain Water from the Town of Burnham"

S.P. 450 L.D. 1417  
(C "A" S-158)

Which was **READ A SECOND TIME**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **LUTHER** for the Committee on **FISHERIES & WILDLIFE** on Bill "An Act Requiring a Guide for Nonresidents Hunting in Maine"

S.P. 400 L.D. 1231



Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-172)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-172) **READ** and **ADOPTED**.

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

Senator **GOULD** for the Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (Governor's Bill) (Emergency)

S.P. 158 L.D. 523

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-171)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-171) **READ** and **ADOPTED**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **HALL** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Purchase of Liquor by Establishments Licensed to Sell Liquor on Premises"

S.P. 213 L.D. 684

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-170)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-170) **READ** and **ADOPTED**.

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

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

**COMMITTEE REPORTS**

**Senate**

**Divided Report**

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Liquor Laws"  
S.P. 194 L.D. 630

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-169)**.

Signed:

Senators:

CAREY of Kennebec  
HALL of Piscataquis

Representatives:

LEMKE of Westbrook  
DAGGETT of Augusta  
BOWERS of Washington  
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 Not to Pass**.

Signed:

Senator:

HANDY of Androscoggin

Representative:

MICHAEL of Auburn

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

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

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

**COMMUNICATIONS**

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 407 Resolution, Proposing an Amendment to the Constitution of Maine to Protect Revenue in Other Special Revenue Funds
- L.D. 455 An Act to Make Allocations for the Administrative Expenses of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, for the Fiscal Years Ending June 30, 1994 and June 30, 1995
- L.D. 477 An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1994 and June 30, 1995
- L.D. 517 An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995
- L.D. 518 An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years Ending June 30, 1994 and June 30, 1995

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

Sincerely,

S/Sen. Michael D. Pearson      S/Rep. Lorraine N. Chonko  
Senate Chair                      House Chair

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

\_\_\_\_\_

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 78 An Act Concerning Medically Necessary Mastectomy Surgery
- L.D. 915 An Act to Reduce the Cost of Residential Care Treatment
- L.D. 1321 An Act to Amend the Preferred Provider Arrangement Act and to Otherwise Facilitate the Delivery of Health Care in the State

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

Sincerely,

S/Sen. Dale McCormick                      S/Rep. Edward L. Pineau  
Senate Chair                                      House Chair

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

\_\_\_\_\_

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1088 An Act Repealing Advisory Boards on Business Legislation Matters

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

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hoglund  
Senate Chair House Chair

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

The Following Communication:

**JOINT SELECT COMMITTEE ON CORRECTIONS  
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1053 An Act to Require the Department of Corrections to Pay Certain Juvenile Detention Costs

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

Sincerely,

S/Sen. Beverly M. Bustin S/Rep. Anne M. Larrivee  
Senate Chair House Chair

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 65 Resolve, Concerning Long-term Protection from Low-level Radioactive Waste

L.D. 173 An Act Directing the Maine Low-level Radioactive Waste Authority to Commence a Technical Analysis of the Maine Yankee Site

L.D. 474 An Act Increasing the Threshold Size for Gravel Pits Subject to State Review under the Site Location of Development Laws

L.D. 550 An Act Concerning Local Participation in Decisions Concerning Low-level Radioactive Waste Sites Proposed to Be Located in Unorganized Territory

L.D. 968 An Act to Establish a Moratorium on the Search for a Maine Site for Low-level Radioactive Waste Disposal, to Impose Additional Duties on the Low-level Radioactive Waste Authority and to Provide for a Review of the State's Role in the Storage and Disposal of Low-level Radioactive Waste

L.D. 1306 An Act to Abolish the Low-level Radioactive Waste Advisory Commission

L.D. 1363 An Act Regarding Solid Waste under the Site-location-of-development Laws

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

Sincerely,

S/Sen. Mark W. Lawrence S/Rep. Paul F. Jacques  
Senate Chair House Chair

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

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

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

Sincerely,

S/Sen. M. Ida Luther  
Senate Chair

S/Rep. Dorothy A. Rotondi  
House Chair

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 775 An Act to Restructure AIDS Services and Education
- L.D. 891 An Act to Direct the Department of Human Services to Apply for a Medicaid Waiver for Home-based Care for Persons with HIV/AIDS
- L.D. 909 An Act to Increase the Mileage Payment for Foster Families

- L.D. 1036 An Act to Correct Volume Deficiencies in Hospital Base-year Budgets Administered by the Maine Health Care Finance Commission

- L.D. 1121 An Act to Require the Office of Vital Statistics to Have Death Certificates Issued within a Two-week Period

- L.D. 1178 Resolve, to Foster the Development of a Range of Alternatives in Long-term Care

- L.D. 1256 An Act to Authorize a Demonstration Needle Exchange Program

- L.D. 1400 An Act to Require Agencies to Maximize Medicaid Reimbursement

- L.D. 1481 An Act to Provide Relief to Families Facing Nursing Home Expenses

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

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. Sharon Anglin  
House Chair

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 399 An Act Concerning the Determination and Modification of Alimony Payments
- L.D. 844 An Act to Protect Civil Rights
- L.D. 1267 An Act to Permit the Entry of a Not Guilty Plea on Arraignment without the Physical Presence of the Defendant

- L.D. 1281 An Act Related to Sentencing for Aggravated Trafficking and Furnishing Scheduled Drugs
- L.D. 1305 An Act Regarding Sentences for Career Criminals
- L.D. 1331 An Act Regarding Trafficking of Drugs in Homes in Which Children Live
- L.D. 1353 An Act Concerning the Calculation of Periods of Imprisonment
- L.D. 1394 An Act Waiving Court Mediation Fees
- L.D. 1443 Resolve, to Create a Pretrial Intervention Pilot Program for Sex Offenders

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

Sincerely,

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

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 393 An Act Related to the Restoration of Drivers' Licenses
- L.D. 852 An Act to Prohibit Voter Registration on Election Day
- L.D. 870 An Act to Restrict Helicopter Overflights by the Maine Drug Enforcement Agency
- L.D. 882 An Act to Reform the Campaign Finance Laws
- L.D. 971 An Act Concerning Identification Methods for Voter Registration

- L.D. 1066 An Act Concerning Recounts of State Election Results
- L.D. 1103 An Act to Amend the Landfill Laws
- L.D. 1104 An Act to Ensure the Voting Rights of Homeless People
- L.D. 1220 An Act Requiring Interest Earned on Security Deposits to Be Returned to Tenants
- L.D. 1237 An Act to Exclude Certain Parks from the Definition of Mobile Home Parks
- L.D. 1238 An Act to Reform Campaign Financing in State Elections
- L.D. 1242 An Act Concerning Concealed Weapon Permits
- L.D. 1265 Resolve, Authorizing Philip E. Wolley to Bring Suit against the State
- L.D. 1299 An Act Concerning Payment of Legal Fees in Eviction Cases BY REQUEST
- L.D. 1316 An Act to Amend the Law Concerning Habitual Offenders under the Motor Vehicle Laws
- L.D. 1323 Resolve, Authorizing Richard Paradise of Wells, Maine to Sue the State BY REQUEST
- L.D. 1328 An Act to Keep Drunk Drivers Off the Road
- L.D. 1332 An Act to Protect Landlords from Certain Types of Fraud
- L.D. 1355 An Act to Revise the Election and Campaign Finance Laws Regarding Write-in Candidates
- L.D. 1376 An Act to Expand the Authority of Property Managers
- L.D. 1426 An Act Limiting Fees Charged to Serve Court Documents
- L.D. 1457 An Act to Simplify Procedures for Property Abandoned by Tenants

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

Sincerely,

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

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1338 An Act Regarding Notaries Public
- L.D. 1350 An Act to Provide for the Recall of the Governor, State Senators and State Representatives
- L.D. 1404 An Act to Allow the Town of Berwick to Rebuild Certain Private Roads
- L.D. 1427 An Act to Create the Commission to Establish a Comprehensive Policy Concerning Political Activity by Members of Various Boards and Commissions

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

Sincerely,

S/Sen. Georgette B. Berube      S/Rep. Ruth C. Joseph  
Senate Chair                      House Chair

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

The Following Communication:

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

May 17, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 965 An Act to Facilitate the Identification of Mortgagees of Record in Certain Transactions
- L.D. 993 An Act to Reimburse Volunteer Fire Departments for Taxes Charged on Gasoline and Diesel Fuel
- L.D. 1020 An Act to Meet the Alcohol Abuse Treatment Needs of Maine Citizens
- L.D. 1024 An Act to Amend the Laws Regarding Taxation of Workers' Compensation Self-insurers
- L.D. 1044 Resolve, Providing for a Study of Taxation Issues Involving Seasonal Residents
- L.D. 1048 An Act to Fund Court Security within County Government
- L.D. 1057 An Act to Amend the Distribution of State-municipal Revenue Sharing
- L.D. 1139 An Act Concerning Railroad Personnel
- L.D. 1177 An Act to Exempt from State Taxation the Income of Businesses Realized by Using Waste Material in New Ways
- L.D. 1208 An Act to Allow Municipalities to Abate or Defer Property Tax Assessments for the Purpose of Attracting or Retaining Industry or Business
- L.D. 1240 An Act to Increase the Stability of the State Sales Tax
- L.D. 1278 An Act to Adjust the Taxation of Public Pensions and Social Security Benefits
- L.D. 1282 An Act to Allow for Regional Local Option Taxing Districts

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

Sincerely,

S/Sen. John E. Baldacci      S/Rep. Susan E. Dore  
Senate Chair                      House Chair

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

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

**COMMITTEE REPORTS**

**Senate  
Ought to Pass**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Provide for Interstate Cooperation Agreements between Neighboring Municipalities"

S.P. 206 L.D. 677

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

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

The Bill **READ ONCE.**

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

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

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

On motion by Senator **CARPENTER** of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

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

Bill "An Act to Extend the Maine Dairy Farm Stabilization Act"

H.P. 591 L.D. 806  
(C "A" H-303)

(In Senate, May 20, 1993, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(In House, May 18, 1993, **PASSED TO BE ENGROSSED AS AMENDED.**)

On further motion by same Senator, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act to Impose Limits on the Terms of Legislators, Constitutional Officers, Members of the Judiciary and Members of Congress and to Limit Lobbying in Successive Years"

H.P. 1128 L.D. 1527

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

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

Bill "An Act to Amend the Charter of the Oxford Water District" (Emergency)

H.P. 1127 L.D. 1526

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

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

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

**COMMITTEE REPORTS**

**House**

**Change of Reference**

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Clarify the Process for a Direct Initiative of Legislation and to Simplify Questions Presented to the Voters at a Referendum"

H.P. 1101 L.D. 1488

Reported that the same be **REFERRED** to the Committee on **LEGAL AFFAIRS.**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AFFAIRS.**

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

The Bill **REFERRED** to the Committee on **LEGAL AFFAIRS**, in concurrence.

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

#### ENACTORS

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

An Act Concerning the Mandatory Use of Car Safety Seat Belts

S.P. 155 L.D. 486  
(C "A" S-88)

On motion by Senator **CAHILL** of Sagadahoc, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In the previous discussion in this body I have heard of three different instances where we should allow citizens the prerogative of choice. In each instance the comment was made that government should not be in the position of dictating. We have said at any number of times choice is the answer. One of the strongest bills that was considered and passed, rather strongly by this body, was the Privacy Act which simply said you definitely should allow people, in their private lives, to make choices. This reasoning, as far as I'm concerned, should also follow in this bill because we again are saying to adults, you do not necessarily have the ability of choice. We will tell you it is better for you that way. Other people have said to me, in discussing this issue, why are you afraid of this, don't you realize we have mandatory stop signs, street lights and other regulations? My answer is yes, certainly we realize that and each one of those is concerned with the prevention of accidents. In 99 44/100% of the cases seatbelts neither cause nor prevent accidents. They, once again, are undoubtedly preventive mechanisms to prevent injuries and, once again, a person should be able to decide, rightfully, as to the wearing of such things as this. The reasoning behind all of this comes down to, again, please government stay out of our private lives. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We've talked about lives saved, we've talked about the suffering that can be saved, we've talked about the money that can be saved by requiring people to buckle up. The data has been presented to us, the doctors say it's true, the EMT's say it is true, the hospital people say it is true. Right now we say, the State of Maine, and that's what I would like to speak about for a minute, the State of Maine says certain things about safety in automobiles, of the roads, and other areas. Right now the State of Maine says if you are

under 19 then you must, for safety sake, for goodness sake, wear your seatbelt. Right now the State of Maine says once you're 19 you do not have to wear your seatbelt. It is okay to not wear seatbelts if you are 19 or 25 or 60. You don't have to. And I think we have to make it very clear that we say you have to stop at the stop signs no matter how old you are, you have to have a drivers' license, you have to be in fit condition, you have to have your car in fit condition and inspected, but the State of Maine is saying, and we have a decision right now to make, when you get to be 19 unbuckled or not, what do we say for safety. Never mind lives. We're making a major decision and it is very close here this morning, major decision about what the State of Maine says. Is it okay to be unbuckled or not. 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 Brannigan. I have been interested in this and somewhat on the fence about it and I heard the clipped, lilting accents of the good Senator from Aroostook, Senator Paradis one day, who said to me in a rather rapid voice, "Michael you've got to vote for this it's going to save us money, you wouldn't believe the testimony we heard in the Transportation Committee from the doctors that were there". Well my ears perked up and I ran down to the Finance Office and I said "Can we book it?" You know, for the budget, if these doctors said that it was difficult for them to reconstruct the faces and bodies of people who had been involved in accidents and that Medicare was paying for a lot of that I thought maybe we could save some money. They tell me that we can't book it, and I was disappointed in that. Senator Brannigan, from Cumberland, has sponsored a number of items along the line of interest in automobiles and one of them was mandatory insurance. At that time I was given the impression that insurance costs would go down if there was mandatory insurance and they didn't. I quizzed him about that and he said the increase didn't go up as fast. I would like to know what the ramifications for seatbelts, for insurance for individuals, are if we have a mandatory seatbelt law. Will insurance rates go down for Maine automobile drivers? Thank you.

**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 Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Some insurance carriers already give discounts for safety factors, the use of seatbelts being one of them. We can't guarantee that they will do that. The answer, and it's as difficult as the answer I gave you before on another matter, insurance rates like a lot of other things are volatile, they're moving all the time, the same as gas prices. Other things move and we don't always know why they do, insurance rates on automobiles have been going up across the nation. Remember that forty four states have a seatbelt law yet it has to do with a lot of other factors other than just the savings. Will we save on individual costs of insurance premiums? I believe we will in the long run. Will we save money? We absolutely will even though we cannot book it, and you understand the vagaries of booking money, how



absolute it has to be in deciding that it will come in in this particular place or that particular place. The money that will be saved in this matter will be saved in insurance premiums, health premiums, it will be saved in Medicaid and other government assisted health areas, in the expenditures of vocation, rehabilitation and in just a wide range of areas in people's lives. Not losing wages, families not losing their wage earners. It's spread out in many, many ways.

So, unfortunately we can't congeal it and then book it but it will redound to the savings of this State and to the savings of people's lives and suffering. The State of Maine will be doing the right thing by saying you must be buckled up no matter what age you are. Thank you.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think you could ask a similar question, would society, this society, the State of Maine, save money if we required everyone to adhere to a low fat, low caloric, low cholesterol diet. The answer would be yes, we'd also save money if the State required everyone to do an hour of exercise every single day, we'd save money. But would we do that? The answer is no, not yet. I wear my seatbelt and the reason I wear my seatbelt is because a number of years ago when I had the privilege to serve in the other body of the legislature, Representative Nat Crowley, from Stockton Springs, had a little contest going. He asked every member of that body to wear their seatbelt for two weeks. We all agreed to do that and I've worn my seatbelt ever since. As a family we sat down one night and decided that as a family we would wear our seatbelts and we've worn our seatbelts ever since. I even have a little sports car that I drive for a couple of months in the summer time and when I'm in that sports car I even make my dog wear the seatbelt, because I don't want him falling out over the convertible top. Do I do that because it's a law in the State of Maine? I don't do that because it's a law, I do that because it's common sense. I don't do that because it makes good sense to make my family buckle up. I'm voting against this legislation though for one reason and that is for my father-in-law. My father-in-law is 80 years old, he turned 80 years old on the 31st day of March. To my knowledge he has never intentionally broken a law of the State of Maine in his life, not intentionally. He's a law abiding citizen, he takes his civic responsibility very seriously, but he's called me every day, every night for the last three weeks asking me the status of this legislation and he said you know, if this becomes law, for the first time in my life I am going to have to break the law because I won't wear my seatbelt, I feel confined and I feel that I am not an alert driver if I wear that. We're making people scoff laws if this becomes law and I believe my father-in-law represents a good majority of citizens in the State of Maine. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I've been in the automobile insurance business for some 35 years. I've seen a lot of bad injuries over that period of time. I won't get in a car today without wearing a seatbelt and I won't get into an airplane without wearing a seatbelt. Everyone who works for us is

told to wear his seatbelt and yet I will be voting against this bill. I just cannot understand the question regarding automobile insurance rates. If the rates go up it isn't because people aren't wearing seatbelts, it's because of the judicial system that exists today in the State of Maine. People that were injured in 1960 were injured just as bad as they are injured today. The difference between the award because of their injury is due to the judicial system and no other single factor. There may be some increased medical costs I'll grant you, but the judicial system can wear the rose for the higher insurance costs as far as the bodily injury part of insurance rates is concerned. I urge you to vote against this bill. 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. There's a couple of things that bother me about this bill. One was a statement made by the good Senator from Cumberland, Senator Brannigan, about this bill saying when you're 19 you may take your seatbelts off. It did not pass. I have seen absolutely no evidence of that. I think the younger generation that has been brought up with the seatbelts has never hesitated to continue to wear them and I have a feeling that statistics would probably show me to be more correct than the good Senator from Cumberland, Senator Brannigan on that. It's an education that you get in the habit of wearing them, which I have, I would like to say I'm over 19. When I was 19 there were no seatbelts, and no automobiles.

The other thing that bothers me somewhat about the bill is you call it a mandatory seatbelt bill. Mandatory means you have to wear it, you must wear it, and yet the bill still doesn't have any real law enforcement in it. You cannot be pulled over or arrested for not wearing your seatbelt. You have to violate a traffic law, speeding, stop sign violations, and I still contend that once you violate that law and you know you're being pulled over that there is no way to enforce it. Whether you put your seatbelt on after you've been spotted by the police for violating the law. I could be wrong but it seems to me there is nothing in the law that says you could be arrested for not wearing a seatbelt and the police saying they saw you putting it on. Anyway, I will be voting against this Bill. 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'd like to start off by telling you that I agree with seatbelts and wear mine 90% of the time. The last time this came up for a vote I voted in favor. I came down here and I told the constituents in my district that I would vote the way they wanted me to vote. I would go with what the majority wanted. I sent a questionnaire out and I wish as this very moment that I had included this question on that questionnaire. I did not. I have asked several groups that I have been to, depending on the type of group, of whether they are for or against. The best I can calculate it's about 52% to 48%, my problem is I'm not sure which side is the 52%. As I said, I voted for this last time, and then I received a lot of phone calls over the last week to ten days. Every phone call I have received has been against this law. I got thinking about it. One other thing that I campaigned on was we had too much government regulation in our lives, in many facets of

it. I've given that a lot of thought. So I will be changing my vote here today and it will be for that reason. I do believe in the seatbelt law, there is definitely, I'm convinced, more injury. I'm glad that we do have a law for the 19 and under. I have a very large family myself, and probably my parents are the worst offender of this and they're almost 80. They have never worn seatbelts and they probably never will. If we give this some due time, mother nature will take its course and we will have 90% of all residents in Maine wearing a seatbelt for the action that has already been taken in this body. So I urge you to vote your conscience as I will mine. Thank you.

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

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When I cast my vote today against this measure I will be doing that not because of insurance rates, and not because I don't think seatbelts are a good idea because truly I do, but because I don't think it's something that our State government should be regulating. Before I begin I have to say, as many others have said, I'm an avid seatbelt wearer. I think I may be the only member of this body who's found himself not once, but twice, hanging upside down by their seatbelts in a car on the side of the road, as a passenger both times. Here I am in fine shape. I think back to the State that had the first seatbelt law in the country, Massachusetts, around 1980. It was a wonderful, innovative piece of legislation. Everyone thought it was great, except for the people who were finding themselves cited by law enforcement officers for not obeying the law. In 1986 the citizens of Massachusetts initiated a petition drive, and repealed through citizen initiative, the seatbelt law. This year the people on Beacon Hill haven't quite gotten the message yet and are trying to pass another seatbelt law, again, after the people repealed it. The question here is whether or not we should be regulating every facet of people's lives, and while folks talk about the cost in human suffering, the pain and insurance and everything else, those are part of the costs of doing business in a free society, so called. If people can't exercise good judgement then they suffer the penalties. A few weeks ago, as Senator Begley said, we had a very heated debate on another choice matter. Some of my good friends, with their "keep your laws off of my body" bumper stickers are on the other side of this issue. I guess what they're saying is they're pro-choice on abortion but not pro-choice on seatbelts, and I'm still trying to reconcile that a little bit. I think back to my schooling and reading Thomas Jefferson and the precepts that this country was founded on and the notion, basically, that your right to swing a punch stops at the end of my nose. You can do whatever you want to do right up to the point where it has an adverse impact on me and my ability to do what I want to do. I'm sitting here wondering today if we're going to be enacting another law and trying to replace good common sense and good judgement with some statute. We've done it time and again and we're trying to do it with seatbelts and helmets and everything else. The question isn't whether these safety measures are a good idea, but whether we, in Augusta, have been sent by our people to make decisions that the folks back home can and should

make for themselves every time they get in their car. I would ask you to please join me in voting against this measure. Thank you.

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Off Record Remarks

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was told to speak a little slower so I'm going to make an effort. Being on both the Transportation Committee and the Human Resources Committee has been an interested experience and one of the times that it did come together and blend was on the seatbelt issue. Time and time again we've been dealing with the health care issues in this State in my Committee and the cost of it. Right now my freedom to do what I want is a very compelling argument but my response to that is that we are mandating our taxpayers to pay tremendous costs for the cost of unbelted individuals that end up on the public rolls. We have the best fiscal program review office in the country, as you know, whenever you try to get a bill through they stick this fiscal note on it and you could go down their and beg and argue or whatever and they would stick to their guns. Even they have thrown up their hands on the cost of this because immediately the person ends up, many times, on the AFDC, the food stamps, the whole nine yards. If you're a child you can end up having to have special education. The technicals of the cost of the unbelted's care to the taxpayers is this incredible tentacle that reaches into every facet, and even they could not put a note on it.

The difference between our overuse of alcohol or food is that it does do incredibly bad things to your body over a period of time, an accident is sudden. It's quick, it's right away and the damage is long term. I have 80 year old parents and I would be very upset with them if they did not get belted in because they are healthy, fairly healthy, we're doing so much work to keep them going to live a longer life because we want them with us. They have no problems with this at all. We are being mandated to pay incredible amounts of money, that is my basic issue. We spent the day yesterday looking for nickles and dimes where we were told we had limited resources, we had to do these horrible invasive procedures to people that we were giving public dollars to. I don't see the difference between having these people be accountable for the dimes we give them and not having people who are ending up in a hospital with the taxpayers paying the bill not having any accountability at all. I would urge your favorable support on this and I would go back to my work of hurting the elderly, the people of mental health and mental retardation, the children, a lot more easily if I at least had a consistent message that we are sending out, that we are looking at the bottom line and we're trying to save money. Thank you.

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

Senator **BEGLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. The two comments that I would like to refer to, one dealing with the age and the other with cost. The age issue on seatbelts is adult. The cost, supposedly, is adult or across the board. The issue that we passed several weeks ago took away the age of minors and simply said that in the privacy act even down including minors, they were to be given the right of choice. Choice, and whatever way that choice went for that woman or young lady, if you don't think that that cost something, good and bad, then you certainly haven't been following the medical expenses and the educational expenses. We were saying at that time, and we said quite honestly, please give us the choice in our private lives. Do it again today and vote against this. Thank you.

**THE PRESIDENT**: The pending question before the Senate is **ENACTMENT**.

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

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 AMERO, BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CLEVELAND, CONLEY, ESTY, GOULD, HANDY, HARRIMAN, LAWRENCE, MCCORMICK, PARADIS, PEARSON, PINGREE, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

**NAYS**: Senators BEGLEY, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, FOSTER, HALL, HANLEY, KIEFFER, LUDWIG, LUTHER, MARDEN, O'DEA, SUMMERS, TITCOMB, WEBSTER

**ABSENT**: Senators None

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**COMMITTEE REPORTS**

**Senate**

**Ought to Pass As Amended**

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Resolve, to Clear Title to Land Owned by James Mercier in Unity, Maine

S.P. 433 L.D. 1343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-174)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-174) **READ** and **ADOPTED**.

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

Senator **VOSE** for the Committee on **UTILITIES** on Bill "An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate"

S.P. 417 L.D. 1326

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-173)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-173) **READ** and **ADOPTED**.

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

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

**ORDERS OF THE DAY**

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

**HOUSE REPORT** - from the Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Mutual Holding Company Laws"

H.P. 477 L.D. 614

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-305)**

Tabled - May 19, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 19, 1993, Report **READ**.)

(In House, May 18, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305)**.)

(In Senate, May 19, 1993, Reports **READ.**)

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-305) **READ.**

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-175) to Committee Amendment "A" (H-305) **READ** and **ADOPTED.**

Committee Amendment "A" (H-305) As Amended by Senate Amendment "A" (S-175) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning Limits on Security Deposits"

H.P. 898 L.D. 1213

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

Tabled - May 19, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 19, 1993, Reports **READ.**)

(In House, May 18, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

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

(See Action Later Today)

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

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-251)**

Minority - **Ought Not to Pass**

Tabled - May 19, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In House, May 18, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-251).**)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE.**

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would move against the Minority Ought Not to Pass Report and move for the Majority Ought to Pass Report. This issue sometimes gets joked about and sometimes people think we have more important things to do than discuss issues like that. I'd like to tell you about one instance, working here in the State House on issues on Taxation early in the morning, I was going to get a cup of coffee and the Governor happened to be coming in with an aide. For about ten or fifteen minutes we chatted and I think it was probably the most beneficial ten minutes that I've had this session in the legislature. I think that sometimes it's very easy to stand up here in this body, or in the other body, and rail against the second floor because they are out of sight. There's a tendency sometimes, in the Committees, to take some very severe action when people are not there and it's very hard sometimes when they are. I think it would be beneficial for the Chief Executive, and also for the legislature, to maintain more of that freshness, air of harmony, or at least communication so that when I stand up here, I'm thinking, I just talked with the Governor for ten minutes, he's not an ornament somewhere and he's not a dartboard that I can throw darts at, because I still have to work with him or her. So we should maintain that civility and professionalism. I think it does enhance that.

At first I thought it was a fairly corny idea, but the more and more I thought about it, the more and more I thought that it would bring the parties together so that they could communicate. I think the Governor's got a point of view and I think the legislature has too, and the way I look at this is it's not so much question time as it is "Capital for a Day" at the capital. Where you go around and you're talking and trying to enfranchise people, you do it here. I think that's basically what this does and I know that there's a whole host of issues around it but that's the way I look at it. I think it can serve both and I think it can be beneficial. One thing that strikes in my mind, as a member of the Human Resources Committee that really does bother me are these rules that the Department of Human Services have promulgated with nursing homes. I'd like to be able to talk to the Governor about that, because sometimes by the time he gets a message it gets filtered, contoured, slanted and everything else and I'd like to be able to communicate directly with the Governor. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response I'd like to say, and to justify those of us who did not support this piece of legislation, that first of all no other State in the Union, in the Country, has this, nor does Congress have that. Simply because we are not the parliamentary system and this particular

piece of legislation is based on the British parliamentary system. There was absolutely no support for this bill other than the sponsor. What the bill would do, it would mandate that once a month, initially it was every three weeks, the amendment calls for once every four weeks for the Executive Officer of this State to come to a Joint Session of the legislature to spend one hour of his or her time to respond to questions. The questioner, the person posing the question, would be selected by lottery, and the questioner would have one and one half minutes to pose the question and the response would be up to four and a half minutes. It would last for one hour and they would be chosen by lottery, so anyone could try to pose a question but they would have to draw a name out of a basket or something. The question and answer period can be done now, it's done quite often through the press conferences. It can be done. I'm sure any Governor would accommodate legislative requests to come.

There are a lot of other questions that this poses. For instance who would preside over this Joint Session and be thoroughly impartial. My main concern was that we cannot legislate the quality of the question. Would those questions be something of substance or would they be serious or would they be frivolous, or even worse, questions that pertain to very personal issues. If you watch C-Span, or if you have ever attended a parliamentary question and answer session, which I did, some of those questions were pretty personal and I wouldn't want to see that happen in our State. I think it could deepen the partisan positions that exist and create more animosity that already, at times, exists. Also, we saw what happened not too long ago in the other Chamber and I think that opening up to a process like this could be very dangerous and very destructive. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill is truly a good government bill. It brings nothing but light onto what is going on in the Legislature and in the Executive Department. I should distinguish that this bill is not the same thing as the parliamentary system. If you ever watch C-Span you see what goes on there, this is very different. This question time is not lead by any political party, not lead by any opposition, not led by anything. This bill is really directed at the rank and file of the Legislature, particularly new legislators who are have a difficult time understanding why government functions the way it does. This would allow members of the rank and file to be able to question the Governor on issues important to them. I can't think of anything more important to a new legislator than to be able to do that. I think the Senator from Penobscot, Senator Baldacci, is very lucky that he got a chance to talk to the Governor. I'm not even sure the Governor knows who I am because I have passed him many times with no recognition at all. I think the chance to talk to the Governor, for any legislator, is an excellent opportunity to improve our government.

Let's look at it from the standpoint of what happens when the majority party controls both the Legislature and the Governorship. The party, whichever, Democrat or Republican, in the Minority is virtually locked out because most of the interaction between the Legislature and the Governor takes place through leadership. This bill allows minority members and rank and file access to very important

information that their constituents need responses to. 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 also will be supporting this bill because it is a good government bill. What harm can come between asking questions and getting appropriate answers between an Executive and Legislative branch. In addition to all of the benefits that have already been enumerated for the legislature, what tremendous benefits for the public as well to see how their elected officials comport themselves, and the responses to the questions, and the kinds of questions that are asked. It will provide a deeper understanding of the process and the issues before the people and how both branches of government are trying to deal with those. I find it hard to see why providing an opportunity for constructive discussion would be in any way detrimental, in a defined and open process that is not controlled by any particular interest nor any particular point of view, but rather an opportunity for discussion. Certainly I think we ought to give it a chance and I hope you will support it. Thank you.

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

Senator **PINGREE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I won't make a lengthy statement on this but I do want to concur with those people who support this idea and I agree with the good Senator from Cumberland, Senator Lawrence, that as a freshman legislator, this would have been extremely helpful to me in the past few months. One, to see my fellow House members in action, many of whom I don't know or don't recognize by sight, and two, to be able to listen to the Governor speak on many of the issues that we are dealing with. As a Committee Chair dealing with budget issues there have been several times when I wished I could have turned to him and said I just need to know why you made this policy or this decision and maybe I'll understand. I think we all ran on the concept of better government, more communication, working together. It just seems like a simple, low cost, good idea to me and I'm sure there are rules that may have to be arranged and I think we can handle many of those things in the rule making process about separation of powers and how the questions would be handled. I think those are minor issues to what we are discussing today. I think about myself as a Representative of 19 towns and my responsibility to my constituents, and every weekend or every day that I'm back in my district and walk into a local garage or a local store I am confronted with questions. I think it's part of my job to answer those questions, they're not given to me before I walk in the door, I don't even have the right to consider the quality of the questions and say "excuse me, that's not a good quality question, I don't think I want to answer it". I think it's all of our rights, and all of our responsibilities to be honest with each other and to communicate as much as possible.

I see this as a non-partisan issue, which ever Governor, which ever party controls the House and Senate, we're all involved in this together and I think this is an excellent, simple idea and I see no reason not to support it. 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. I'm almost convinced but I'm hung up on this question of keeping it non-partisan. Tell me how we prevent this from becoming what happened to the Speaker of the other body, from becoming something of a witch hunt every month. If there really is a way to do that then I would vote for this bill. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the question, there is no guarantee. I rise today to oppose this L.D., joining the other two Senate members who oppose the L.D. in the State and Local Government Committee. Although I think it's a laudable idea I think the debate comes about 220 years too late. The idea of increasing communication between all of the branches is desirable, whether it be between the Legislature and the Executive, the Legislative and the Judicial or the Judicial and the Executive. I don't see how you are going to improve communications by demanding that someone do something. I would be in favor of annually having the President of the Senate send out an invitation to the Governor, requesting his presence from time to time to discuss issues of importance. I think that's much more appropriate than us demanding that the Governor, the Chief Executive, of this State adopt a certain style of operation.

Using the parliamentary model as a comparison just doesn't wash. In Britain, the Prime Minister is elected from amongst his peers to lead the government. The Governor of the State of Maine is elected by every citizen who chooses to vote. He has no peer in the Senate or the House. A much more appropriate approach to take would be to demand that the President of the Senate submit to a question and answer period, or that the Speaker of the House submit to a question and answer period, which has happened this session, and which we are hearing some negative remarks about. As a legislator, either a freshman in the House or a freshman in the Senate, I have never been denied access to see the Governor on those very rare occasions when I felt it was necessary. I've talked to my Republican colleagues who were around and present when Governor Brennan was the Governor and none of them said they were ever denied access to see Governor Brennan. In the Committee this was described as being good government and being a neat thing to do, I hope that you really give this some thought and determine all of the ramifications before you vote for this. Thank you.

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Off Record Remarks

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise simply to clarify what I think is somewhat of a misquote. On

your desk is a pink thing from Common Cause stating that I support this concept. When I was asked whether or not I thought the Governor should communicate with the Legislature I responded in the affirmative. I think he should do so of his own choosing, therefore I did not want any of my colleagues to feel as though I support this measure because I do not. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The answer to the good Senator from Oxford, Senator Luther, is yes, there is a way to control that it doesn't become uncivil. One of the main ways in the bill is that each individual is only allowed to ask one question. In the parliamentary system it's led by the opposition party and you're allowed to ask repeated follow up questions. That's why you see a lot of that type of questioning done. The other answer is I trust anyone in this legislative body to be civil and to be able to handle those type of question and answer periods. That's what we're all elected for, we're elected for our ability to be responsible in these type of positions. Not only that but having this type of question and answer time, I'm convinced, would have prevented the break down between the legislature and the Governor that we have seen in the last four years because we would have been able to air these things long before they would have smoldered into a problem. I can remember one of the most informative times I had in the House of Representatives was when the Commissioner of Finance came down and was available for questions by the entire body, with questions on the budget. That was the most important time I think I ever spent in the House of Representatives, finding out about the budget procedure. As far as a question and answer time for the President of the Senate and the Speaker of the House, every day is question and answer time for the President of the Senate and the Speaker of the House. I can get up at any time and ask a question of the President of the Senate, and any member of the House can get up and ask a question of the Speaker and I think the same ought to be allowed for the members of the Legislature of the Executive branch. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. First if I could just correct my good friend from York, Senator Lawrence, I asked many questions in the other chamber and very rarely received answers to them. Let's get down to the fact that I was almost sucked in. I was almost sucked in. The Senator from Androscoggin, Senator Cleveland, said this is good government, Senator Lawrence said this is good government, Senator Pingree said this is just good government, and having used this argument so many times in the other chamber and in this chamber for term limits, for citizen's legislature, for a reduced Senate, I wanted to be brought in. I wanted to be a part of the fold. Then I started thinking about it. What exactly is the role of the Governor and what is the role of the Legislature. The role of the Governor is to have capitals for a day, because he is elected by all of the people of our State to represent them. In his capital for a day, if that's what you want to mandate, if you want to mandate that each successive Governor has to have these, then fine let's do that. I think that's an appropriate time, I can go to my

capital for a day, I can sit in the auditorium at the High School and I can pose questions to the Governor, the same questions that I can pose here. The big difference is that we are a legislative body. We are elected by our own districts to represent them. The Governor, elected by the State, is answerable to all of the people and he does this when he holds capitals for a day, when he has his town meetings at the end of the day. That's when the questions are appropriate.

If the Governor so chooses, whoever the Governor may be in 1994, be it a man, a woman, a Democrat, a Republican, if they so choose they can present themselves to the chamber. They can inquire of the President of the Senate or the Speaker of the House, I would like to come before your chamber and answer questions that they might have. I think it's the prerogative of the Executive branch, being a separate branch of government, to let that individual make that determination as far as how they will communicate to the legislature. Just one final point. The question of the lottery. I guess I have some concerns of how the lottery will be played out. Whether or not it's Clerk Mayo in the House office, kind of sifting through, or if it's going to be on Channel 6 at 7:00 right after Jeopardy, you know a big wheel, well it's going to be Senator Lawrence you asks a question this week and Senator Carey next week. Those are some questions that I think aren't addressed properly in this bill. While it's feel good government, which is the complaint that has been used against me, that's all it is. It's like chinese food, after you're done eating it you want to eat again in a few hours. 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 am also listed on the paper that was sent around as one who supports this legislation and in my case I do support this legislation. I don't think it's perfect and I think there are some process issues that have to be looked at very closely. But I happen to have great hope that we're going to move to a place in time where we have open dialog between the floors as a part of healthy government and I think this could be a good beginning in that direction. I think that this is a place where we can make a statement about the role between the two divisions of government and I think that role is talking and accountability. Frankly I think that has been missing over the last several decades. If there is something that we can do to open that dialog, to insure more accountability on the part of our branches of government then I think we should do it. 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'm sitting here, listening to all this debate and something comes to mind. I've heard some good ideas, I like the capital for a day idea, if I was Governor I'd be up here probably three or four days a week, at different times because I think the communication is important. My problem is I'm not exactly sure of the Governor's schedule. I know he's a busy individual but the thought comes to mind, do you suppose that all of the selectmen in my communities are saying the same thing about me. That I'm not getting to their towns and showing up and listening to their concerns and so on and so forth. That's just about the way it

is. I really don't want my selectmen telling me that I have got to be in their town to listen to their concerns and answer all of their questions once a week, once a month, because I am much too busy to do that right now. When I am not so busy I will surely be there at their beck and call. I wish you would consider that as you are considering which way to vote on this L.D. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Apparently no one has really answered the good Senator from Oxford, Senator Luther's, question. I would point out that a very bipartisan screening Committee, made up of leadership in either body or what have you, questions would be screened by those people. In fact, those particular people could let a question in by a two-thirds vote, so that somebody, legislator or Governor, would not get hurt in even asking or trying to answer the question. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

The Chair ordered a Division.

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

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

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

**HOUSE REPORTS** - from 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

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-276)**

Tabled - May 19, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 19, 1993, Reports **READ**.)

(In House, May 18, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Two good government bills in a row, I'm not sure I can stand it. I will, however, stand up and speak against the pending motion. I think that having been a former member of the House, with 151 members, and now being over here in the Senate with 35, at least for me, the size reduction certainly did help. I certainly understand the efficiencies that are gained in the smaller body. I also believe that the people of the State of Maine want this piece of legislation passed. Last fall, at the Cumberland fair, I stood and asked people to sign the petitions that would at least bring the interest to the legislature and it was amazing. So many people were so eager to sign to reduce the size of the legislature. They realize that at 151, and watching the process on TV, especially during the last few days of the session, that it's a very inefficient process with that large number of people involved.

I suspect that as we approach the 21st century it is possible for a State representative to efficiently and effectively represent 12,000 people. I know in some portions of the State that's going to be some sort of a hardship. You have to keep things in the historical perspective however, the State of Maine was established in 1820 and at that time it was determined that the ideal or appropriate level of representation was 1 representative per 2000 people. The very next year, in 1821, my town petitioned the State legislature, probably one of the first acts that it acted upon, it petitioned the State legislature to secede from the town of North Yarmouth. If you read the petition, one of the main reasons was that the undue burden caused by the extended distance between the seat of government in North Yarmouth and the citizens of that area. The seat of government in ancient North Yarmouth is located on Route 88 in present day Yarmouth, from the geographic center of the town of Cumberland it is 5 miles. By today's standards 5 miles is certainly not an undue burden. Things have changed, technology has brought us the telephone, the TV, mass newspapers and there are ways for us to communicate with greater and greater numbers of people. I certainly didn't have a problem with going from the 7500 constituents that I represented to the over 38,000 constituents that I presently represent. I'm not sure if 33 and 99 is the perfect number. We had some discussion in the State and Local Government Committee and unfortunately there wasn't a whole lot of sense to compromise at some area in between, where we could take into consideration the northern areas. I would hope that we could have a Division and I would hope that you would vote against the pending motion. Thank you.

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

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I also want to rise and ask you not to accept the Ought Not to Pass Report. When I earned the distinct honor of serving with you in the Maine Senate I quickly learned how

important it was for us to rethink, reshape, refocus State government. Indeed, all of us took time out of our schedules to go to the University of Maine in Orono and talk about the way to rethink State government. Respectfully, I would say to you what has happened since then? What have we done to prove to the citizens of Maine that we reprioritized, rethought what role State government should have in our lives. In my view this is an opportunity to prove to the citizens of Maine that we can act more efficiently, more cost effectively, and by doing so I believe we will do a better job of representing our constituents. As my good seatmate, the Senator from Cumberland, Senator Butland, has pointed out, technology has enabled us to do far more than we could have years ago. The telephone, the fax machine, computers, cellular telephones and so forth. We're able to do a good job of keeping in touch with our constituents. For those reasons, to prove to the citizens of the State of Maine, that we heard them, this is something that your constituents and my constituents want to see happen. Please vote against the report. Thank you.

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

Senator **TITCOMB:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have a district of 17 towns in southern Maine. In fact my district is, by population, the largest Senate district in the State. I would tell you that if I were to allow my little towns, and most of them are relatively small, to be folded into a bigger district, which would ultimately be the case with a lesser number of Senators, the identity of little towns like Porter and Parsonsfield and Baldwin would very quickly be lost in the mix. I think politics tells us that when you set this situation into motion and a larger town overshadows the important critical issues of a small community, then those small communities are not as well represented. If we were to limit the number of Senators, if we were to reduce it, people should clearly understand that the consequence of that will be that many small communities will be included in the district with much larger communities, and that, in the long run, is going to mean that the personalities and the characters and the very unique needs of some of our smallest towns could very well be lost. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Senator from Cumberland, Senator Titcomb, has pointed out that if we were to reduce the size of this body that she would, in fact, lose some of the contact with the small towns. I'd just like to point out for her information we both represent an overpopulated area at this point in time, because of population shifts, with a 35 member Senate the ideal population is 35,084, with a 33 member Senate it is 37,100, thereabouts. Both of us would be representing, in a 33 member Senate, less people than we currently represent now. I think it's important that we, as a chamber, look back as far as some of the work that has been done before. In the 115th a Commission on government restructuring was established. That Commission had a lot of smart people, good people from all across the state involved in the very specific task of saying how can we retool our state government. One of their prime areas of support was in reducing the size of the legislature to make it more manageable. I think it's time that we give



deference to those people that we assign a task to, that put the time into it and then come forward with a report that is sound and is worthy of our passage. As the good Senator from Cumberland, Senator Harriman, has said the people of the State of Maine have spoken on this. I asked this question on my questionnaire that I sent out and 80% were in favor of reducing the size of the legislature. Men and women of the Senate, it is time for us to listen to our constituents and also to turn to those who have fully examined, and the Commission on governmental restructuring fully examined all of state government, and this was one of their proposals. I hope you will vote against the pending motion. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As Senator Hanley, I was one of the members on the apportionment Commission, and one of the thoughts in trying to go to a 33 and 99, and I wish Senator Lawrence were here, one of the thoughts was that you could very simply take 33 Senate seats and cut them up equally to make 3 House seats. You probably, in each Senate district, would have cut 2 or 3 towns into pieces to get the number that you would need. Secondly, the good Senator talked about the very intelligent, smart people who put together a study. I always find that people are more intelligent and smarter when they take the same position that I do. Senator Hanley talked about a legislature which would be more manageable. Manageable by who? That's what you really have to worry about. Who is going to be able to manage a smaller legislature? Most of the lobbyists, and I have absolutely nothing against lobbyists, I find them extremely informative and extremely helpful in the system and I think the State of Maine is blessed with the lobby that we have, I don't know of any of them that are dishonest, so this is not a slam at the lobbyists by any means, but you will find that the lobby spends more time in this body than it does in the other. Why is that? It's because we are more manageable. If you're really concerned about reducing the size of the legislature, I will be speaking to you a little later this week on a little minor item that I have co-sponsored with Representative Lemke which would put us all out of work in this body.

I think the Senator made a little error when he quoted that a 35 seat Senate took in 35,000 people and a 33 seat Senate took in 37,000, and then he went on to say, if I heard him correctly, he went on to say that a 33 seat Senate would then have you representing less people. I think that was an error that maybe the Record should clear up. Thank you.

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. For the Record, I am here, at least physically. Thank you.

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

Senator **AMERO:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise as a former member of the restructuring State government commission and I'm pleased to represent that group today, especially because somebody has said the Commission members were special and bright and made good recommendations. I'd like to remind people that

the special commission on restructuring State government was a 22 member commission, 11 of those members were appointed by the Governor, 11 were appointed by the Speaker and the President of the Senate. Most of our recommendations did go unnoticed although I do think they were outstanding recommendations and that most people running for the legislature this time did endorse them. That commission consisted of 4 former legislators, all very well respected legislators, and it was the recommendation of the commission that the size of the House be reduced and there was not a specific number given, but the size be reduced to somewhere between 99 and 125 members. So I would urge you to vote against the pending motion as a member of the restructuring State government commission. 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 assure you I will be very short. I have found a location in my questionnaire where I wished I had put the seatbelt question and it would have replaced this one. The answers that I received back were 89% in favor of reducing the size of the legislature. I campaigned on just the opposite, not to reduce the size of the legislature and gave good reasons. I spoke many times in many places. I'm not going to say that my message was not heard because I'm here, but I've had people say apparently your constituents don't know the circumstances and what they should have. I'd like to remind you that that is one reason I am here and I will be voting the wishes of my constituents and I will be voting for 99 and 33. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise again to speak on this motion. I would simply add that in the difficult times that we're faced with in the next few weeks to put together a state budget that, in my opinion, is probably the most important budget that this state will put together in the last several decades. I would offer the following information, the legislative budget in fiscal year 1982 was \$4.7 million, the legislative budget in fiscal year 1992 was \$12.6 million. Three times what it was ten years ago. This is an opportunity for all the reasons that have already been mentioned, along with this one, you should vote not to accept the pending motion. 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 respond to the remarks from the gentleman from Cumberland with regard to the cost of the legislature and what it cost then and what it costs now. First of all I think that you will see the cost of the legislature will be going down and second of all you should have been here when it was only the amount of money that he quoted. We had two or three telephones in order to reach our constituents and we were lining up for them in the morning in order to get to them. The ability to reach our constituents and serve them was extremely limited at that time and I never ever want to go back to that situation. Thank you.

On motion by Senator **HARRIMAN** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

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

**ABSENT:** Senators None

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, with No Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks**  
H.P. 176 L.D. 228  
(C "A" H-92)

Tabled - May 20, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by the same Senator to **RECEDE** and **CONCUR**.

(In Senate, April 8, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92)**, in concurrence.)

(In House, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92) AS AMENDED BY HOUSE AMENDMENT "A" (H-360)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by the same Senator that the Senate **RECEDE** and **CONCUR**.

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

**HOUSE REPORTS - from the Committee on BANKING & INSURANCE on Bill "An Act to Amend the Workers' Compensation Laws"**

H.P. 530 L.D. 714

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-259)**.

Tabled - May 20, 1993, by Senator **MCCORMICK** of Kennebec

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 20, 1993, Reports **READ**.)

(In House, May 18, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **MCCORMICK** of Kennebec moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This bill, L.D. 714, in its amended form will allow employers of six or less to opt out of the Workers' Comp system if they can show that they have liability insurance of \$1 million, health insurance of \$100,000 and 12 weeks of disability. The majority of the Committee on Banking and Insurance thought this was ill-advised at this time. We heard testimony from MEMIC, which you will recall is the Maine Employer's Mutual Insurance Company, which has only been in existence since January, and which would basically be completely put out of business, undermined, kaput if you, in your wisdom, vote against the Ought Not to Pass Report. We also had testimony from the Chamber of Commerce, neither for nor against, but raising very many questions, some of which I won't outline for you. One thing for you to consider is that there is currently no insurance product available in the market in Maine that would meet the L.D. 714 requirements of replacement coverage. If we allow this there is nothing for these small employers to go to. Secondly, even if that product existed, if it represented a true replacement for Workers' Compensation insurance, the price of those products would be roughly commensurate to the price of Workers' Compensation premiums. Have you heard the saying "there is no free lunch"? Well there is no free lunch, you get what you pay for. You cannot snap your fingers and miraculously change costs that have been actuarially determined.

Let's go to the matter of cost for a minute. We were all quite upset, and understandably so, earlier in the year around January when we learned of the rate increase on MEMIC, a 9% rate increase and a 15%

capitalization fee, and we had much discussion about that. Well, MEMIC heard our discussion, came over here, we had many briefings, I hope you all remember that, MEMIC met with the Banking and Insurance Committee, with leadership, and we have continued to meet with them in Banking and Insurance and I passed out to you today. The MEMIC Alternative Rating Programs, in fact, Representative Ed Pineau, my co-chair, and I sent this to you just last week. It is basically MEMIC's response to our concerns about the high level of capitalization in their company. They responded to us at that time by saying we have to have that capitalization level because we cannot get reinsurance on the open market and an insurance company must have reinsurance. Their response to us was to put in place alternative rating programs that give small employers deductions. I would call your attention to the second page after the cover which is the Loss Free Credit Program, it basically allows small employers, this is directed only at small employers, to get credit for the years that they have not had an indemnity claim. When we discussed this in caucus, that was indeed one of the concerns that members expressed. MEMIC has also heard those concerns and their response was this alternative rating program where, if you have six or more years of accident free experience, you will get a 15%, count it, 15% credit off your premium. That is a lot. That to me says that this company has been responsive to our concerns.

If you turn to the second page you will see another program, Loss Control Incentive Rating Program, where any employer or group of employers, if they make a commitment to an acceptable loss control program, can get discounts off their premiums up to 25%, or 15% or 10%, depending on the experience modification that they commit to. Far from the system being broken or not working I would say that yes, indeed, we have been in rocky times, we are not out of the woods yet. We have created MEMIC as the answer to small employer's concerns, it's absolutely true and everyone predicted that the premiums would not go down until about two or three years of experience was gained, but we have here a company who is capturing 95% of the market, that means 95% of the employer's, your constituents, who were in the residual market pool. They have decided to continue their Workers' Compensation Insurance with MEMIC, 95% of them. Also we have a company, MEMIC, who is so responsive to our political concerns that they have put in place the Alternative Rating Programs which, I called the Bureau of Insurance and they called back just a minute ago and told me that these have been approved, they will go into effect next week, on June 1. These are going to happen. Your employer constituents will be able to get these discounts on their Workers' Comp premiums.

Lastly, I guess I want to fill your heads with a little insurance jargon and principles and that is the whole idea of risk aversion and adverse selection. If we allow this bill to go forward you are allowing, by some estimates, 60% of Maine's employers, and by other estimates 76% of Maine's employers, to opt out of this system and I ask you, what will that do to the pool? What will that do to the pool? It will completely decimate the pool, it will have a deleterious effect on the workings of MEMIC which was Maine's governments best answer to allowing small employers to get the same benefit from self-insurance that the large employers who can self-insure get. I urge you, MEMIC has been in existence for five months, count them, just five months, we cannot turn our policy on its head in five months. We have to allow this good idea to exist for

longer than that and allow the premiums to slowly come down as we know they will. I urge you to support the Ought Not to Pass amendment. Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This proposal I find interesting because it's the same bill, or a very similar bill, that I introduced in this body of the legislature my very first term in Augusta. That was the time when no one even talked about Workers' Compensation, it wasn't an issue, at least no one listened. Probably we still wouldn't be listening if government hadn't been shut down. We're listening today, we know it's a problem, Workers' Compensation in this State is crippling businesses and, more important, is putting people out of jobs. Whether this bill is the answer I don't know. Common sense tells me that if a person employs a small number of people, five or six, you name the number, in a non-hazardous kind of job, someone ought to ask is it important that they have this type of insurance if it means they are going to go out of business. We can all talk about how we care about jobs, how we care about Maine being a better place, how we care about having people work and people paying taxes, but this legislature has not done a thing, in my opinion, in a positive way to improve our economy. This is one way to start.

Ten years ago when I talked about this no one even cared about it because insurance rates, even then, were high for small businesses but now they are at the point where people aren't employing. I happened to run into a contractor yesterday who a year ago had ten employees. Today he has no one. He's doing the same amount of work and what he's doing is subcontracting, probably questionably legally. I'm not sure he can do what he's doing but he's doing it because he can't afford Workers' Compensation costs. Let me tell you something, this employer, frankly, is in the contracting business, he's never had an injury in 11 years, no one is probably ever going to get hurt on his jobs, but this legislature is unwilling to address his concerns about how he is going to pay people, to employ them, to pay a wage. If this legislature truly cares about making Maine a better place then we ought to enact this Bill or something like it. This may not be the answer but I think, in the spirit of compromise, we could certainly come up with something that would do the job. To just sit back and say we're not going to do anything because of some magical reason, which I can't figure out, people are unemployed and leaving Maine, and moving, I might add, to New Hampshire. We're worried about whether we're going to change the status quo. The time has come to take bold leadership and I ask the Senate to do so. 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. I would like to pose a question through the Chair. I've asked this question and I've gotten a different answer from everybody that I have asked. If the small businesses opt to go out of the Workers' Compensation system, will they then open up themselves to suit? Are they giving up their right to immunity from being sued? Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. That is specifically the reason for the \$1 million employer liability policy under this bill. There will be protection for that employer from suits by the employee up to that \$1 million limit. That \$1 million limit, of course, is not cut in stone. I'm sure that if, as time goes on, the need would arise for it to be either increased or decreased that could occur. Since I have been elected to this Senate and for many years before I have been vitally connected with the Workers' Compensation business. I've seen it go, from 1954 when I started, to the condition that it is now. This bill is the first piece of legislation that I have seen here this year that can have immediate positive effect on the small business community in this State. While MEMIC's program is fine, and after a six year wait you can attain certain credits, this can have an immediate impact now. I'd like to read to you a small segment from the final recommendations from the Maine Economic Growth Council, which you have all received. Under the Regulatory Policy the second paragraph reads, "Maine is committed to making its environmental and business regulations relevant, consistent, predictable, innovative, flexible, and equitable for all Maine's natural and economic resource interests. The Maine regulatory process must emphasize an exploration of alternative systems to protect Maine's natural and economic interests." I believe that this bill does exactly that, I believe it is an opportunity to be flexible, to be innovative and it can have an immediate affect on our economic growth in the State of Maine.

Many businesses are small businesses. You have probably heard the argument that some people who now hire seven or eight employees would reduce their number of employees to get down to the magical number of six. Well obviously the argument on the other side of the fence is that if they now have three or four employee they may very well expand their business by hiring another couple of employees at this time. I would like you to seriously think about this because it is a change from our system. It's a radical change that will greatly enhance and support the small businesses in our state. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I've received so many calls and so many letters from the small businesses in my area regarding the huge increase in their Workers' Compensation. This bill would not address the large employers and probably for the district I represent in Oxford County, that's probably not important, because most of my large employers have moved out of state. Either that or they have shut down. I'd just like to read a portion of a letter which is indicative of the types of communications that have been shared with me from our small employers. It's a letter that he drafted to the Governor of our State and he responds, first, to a quote that appeared in the May 9th Sunday Journal, in which the Governor is quoted as saying "the Workers' Compensation should be looked at but it's not a top priority for right now." My constituent goes on to write, "I maintain that a 61% increase should be a top priority, not given lip service. The new Workers' Compensation package worked out by our illustrious government allows larger companies to save money while making the small companies that can least afford it pay for this new Workers'

Compensation monster. I'd like to give you two examples, C.B. Cummings has stated that they saved \$125,000 by self insuring and C.N. Brown saved \$300,000 by self insuring. This is great for them, but how about us small guys who employ less than 10 employees? It appears as though the State doesn't care about us or you would be doing something about it. All branches of State government do a great job of looking out for the rights of the working person, however, as a business person I am also a working person. The only difference is that I am taking all the risks and working twice as many hours as my employees. I do this because I choose to, no one makes me do this, however, I do pay the same taxes as my employees and every dollar that the State adds to my overhead, in most cases, comes out of my bottom line. So far this year you and the State have reached into my pocket for a 61% increase in Workers' Compensation, although I have never had a claim. You've added a surtax on unemployment on .7% to pay for the State's give away of additional unemployment benefits and I have never had an employee collect unemployment from me. I have to feel that I am a pretty reasonable employer having never had a comp claim or an unemployment claim, good management should be rewarded, not penalized. I think that it is time that if you need to continually look to the business owner as your financing mechanism you should put a sign up at the border saying 'Businesses Not Welcome'. Men and women of the Senate, how many of you have received similar letters as this? How many of you have received phone calls saying the exact same thing?

I presented a bill in front of this legislature, L.D. 676, an act to limit attorney's fees in Workers' Compensation claims, which appeared in front of the Labor Committee. I was told that we can't disrupt the boat, we've got to let it sail for a year. This bill in front of you does not disrupt the boat, it's permissive to the employer, it maintains the same procedural aspects as the Workers' Compensation system that we voted on last year. We have got to do something for our small businesses or they're not going to be around. I agree with the Senator from Aroostook, Senator Kieffer, that we do have to take innovative, creative approaches at cracking this nut. I think it's high time that we concentrated our efforts on that. Thank you.

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Off Record Remarks

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I too, like the President and other members of this chamber, welcome the President of the University of Maine in Orono. He'll get a chance, hopefully, to see how those great educations which your University has given to many of us in this chamber, will be functioning over the course of the next ten minutes, hopefully you won't want any of the degrees back. In any case, men and women of the Senate, I rise to answer the question posed by the good Senator from Oxford, Senator Luther, which I think is an important question. Actually she raised it in our caucus and the good

Senator from Somerset, Senator Cianchette, and myself have actually been trying to find the answer to this question, as to whether or not if we pass this bill will these businesses be open to suit by those employees who work for them. The answer, I would disagree with the good Senator from Aroostook, Senator Kieffer, is not clear although we've actually gone to our statute books and some of our staff people and I have gone over some of the statutes with Senator Cianchette. It seems like these individuals will in fact be open to suit, they will be allowed to be sued in the courts. The protection presently afforded to them under the Workers' Compensation laws will be stripped away. Because we do not know the answer to that question and it's an important one, I do not think we should take action on this bill until we have a clear and definitive answer. In any case, having waited some time to answer this question, I feel compelled to respond to the remarks made by some of the others before me, particularly first in reference to the remarks made by the good Senator from Aroostook, Senator Kieffer. A couple of weeks ago he got up on the floor of this body and urged us not to change anything which the Blue Ribbon Commission had passed down, specifically at that time we were talking about going back to help out the Public Advocate and secure monies for that organization to challenge insurance rates, a minor change. He urged us not to tamper with what the Blue Ribbon Commission came down with. This before us is a major change, a change of incredible magnitude, a change which the Blue Ribbon Commission had the opportunity to consider and expressly rejected. Which is why we have what we have before us now in present law.

Unlike the good Senator from Oxford, Senator Hanley, who voted for that plan, I stand here as one of only four members in this body that time who voted against the Blue Ribbon Commission's plan, did not support its findings, thought it was a step backwards, predicted, like the others in this chamber who voted against it, that rates would increase for our employers, that it was not the right move to make. I still stand with others that we ought not to tamper with the system that we created. This bill will seriously undermine the ability of MEMIC to deliver the services with which we have charged them to deliver. It is wrong that we ought to grasp at something so we can wave around papers here claiming that businesses are crying because of these increases, that this will solve the problem. This will only complicate matters worse. That is why we had that rule here, an unspoken rule, that we would not tamper with what they put before us. I don't think we should grasp at this straw as an answer to the increases which MEMIC has put upon our employers. The good Senator from Kennebec, Senator McCormick, has explained to us why these increases have been necessary, to capitalize that operation. Even though I did not agree with its creation I do not think we ought to destroy it with one fell swoop here. Thank you.

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

**Senator BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If we're not going to try and address the grave problems of the outrageously high premium costs to the small business people when are we going to do it? If we wait another year, another two years, there won't be any small businesses left in this State, at least not in my district where I come from. If it's true that we exempt the agricultural community, if it's true that

the small business community is the one that picks up the tab for 85% of these outrageously high premium costs, why can't we give a little respite to the small person, the small business man or woman, who has fewer than six employees? There are protective guidelines here where they have to have the liability insurance, loss of income insurance, medical insurance, so I think that's been addressed. If you have a constituent who calls you, and I, like all of you, have had calls, who one day pays \$3900 and has an 83% increase to \$7200 or \$7300, within a month they are notified that they have to come up with that money, liquid is very tight out there. It's easy to say go out and borrow but somebody's got to pay the interest rates and if they are lucky enough to be able to go out and borrow to pay for these premium costs, and we hear that there may be a 15% reduction after six years plus, for good behavior if you will, I also checked a moment ago and it's very probable that this will be implemented June 1 but there is no affirmative statement to that effect, because they haven't been notified officially by the Bureau of Insurance as of 45 minutes ago. I've checked with 3 independent insurance agencies, the big ones that I saw in the yellow pages, and none of them have ever heard of this.

I'm told that if this becomes approved by the Bureau of Insurance that there would be a process by which the small employer would have to file an application to prove, indeed, they had not had a major accident within the past six years. I don't know. I'm going to vote with the Minority report. I'm going to vote to try and give a little hope to the small business people that I represent. When they call you or they see you at the friendly supermarket on Saturday morning, or they stop you on the street, they send you letters and cards that say you don't care about us. This will give them a little hope and it will tell them yes we do care enough to try and modify a law. We do this all the time when it suits our needs. Those are the reasons why I'd like to say I'm against the Ought Not to Pass Report. 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. In my district now I think the latest Department of Labor report shows something over 14% unemployment. I, too, as I know many of you have, have been receiving information from small businesses around the state that say I cannot afford this major increase with my Workers' Comp. I'm just not going to be able to do it any more. We need to do something about that. In lack of something else I'm going to support this legislation and I understand the repercussions it may have on the MEMIC program and I feel bad about that and I feel bad about the commitment that people have made not to mess with the Workers' Comp thing and let it work. I've got to give you my opinion, I don't think when the people who voted in this body, and probably the other one, had any idea that it was going to raise rates up to 60 and 70 and 80% over last year, which was, at that time, an impossible situation for people, that they would have voted for this. Certainly you have to have some feeling for the philosophical concerns of let's not monkey with it, but I tell you, that does not pay the premiums for the thousands of small businesses out there who don't have the money to pay the premiums with. The programs that have been offered by MEMIC are an improvement, they do help, but they're not going to be much help this year or next year to these people.

There must be a way and I believe there is a way. If the MEMIC people and the people of this legislature wanted to give relief for the next couple of years, until the MEMIC program worked, they could do it. I just think they're being stubborn and hardheaded and not willing to face the realities that we're costing thousands of jobs out here with this particular bill.

If we pass this today, and it should pass this legislature, I say it's going to send a very loud message to the people at MEMIC and the people around this legislature who are concerned about not monkeying with the thing and perhaps we can come up with a better way to deal with it then this, but without this we're not going to have any wedge or any opportunity, I think, to get people's attention that we must deal with this very difficult situation for Maine people. I feel very strongly about it. I hope you will vote to pass this legislation and I would strongly urge the members of this Senate to vote against the motion. Thank you.

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Off Record Remarks

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think, in answer to the Senator from Somerset, Senator Cianchette, that the message that will be sent if the legislature votes to pass this bill is that we have turned Workers' Comp reform on its head and that we have gone into a topsy turvy dizziness that the people of Maine and the employers of Maine don't deserve. I want to correct something that the good Senator from Oxford, Senator Luther, said, not correct by clarify. If you turn to the handout that I passed out you do not have to wait six years to get your 15% discount, actually it was the Senator from Aroostook, Senator Kieffer, it's progressive, when you have two years of indemnity free claims you get a 5% credit, when you get three years you get 8% and it goes up. Please read what MEMIC has put together for you. The last thing I want to say is, and I hope we all remember this when the time comes, there is one way that we can affect immediately Workers' Comp premiums and that is dealing with health care cost inflation. I want you all to remember everything that you have said here today. This, that we have before us, is smoke and mirrors. 42% of Workers' Comp costs are health care costs, are medical costs, that's where the solution lies and I hope you all are just as committed when we get to that topic. To dealing and finally getting control of the budget buster of the century for our State and the Workers' Comp premium buster of the century. I request a Roll Call. Thank you.

On motion by Senator **MCCORMICK** of Kennebec, 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 Oxford, Senator Luther.

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. When this bill was passed I was a member of the other body and I fought long and hard against the Blue Ribbon Commission because I felt it all but abandoned injured workers and it made saps of small business people. I think that is exactly what this has done. People who have never had an accident, are never going to have one, are the ones who are picking up the cost of this bill. I was told out in the hall that if I persisted in this, as many as 76% of the small businesses would opt out. Well that tells me that 76% of the small businesses in this State think they are getting robbed and I agree with them. What is being asked here is the good old American question, what's in it for me? For small businesses, there is nothing in it for you except to pick up the costs, that's the only thing in it for you. When this bill passed I literally cried for weeks. I felt so bad for injured workers who were no longer going to be even considered injured under these new rules and for small businesses who are easily looking at least a 35% raise in their rates, and they got it, and they got more. One of the problems with Workers' Comp in this State is that big businesses are self insured so they take their money out. If you really want a fair Workers' Comp you've got to get those businesses in, everybody pick up the cost of Workers' Comp. If you're not going to do that then let the Workers' Comp thing die because it's not fair to our small businesses to do it. I don't see any difference between going out of business this year and hanging on, they're not going to be there to pay these rates anyway, they can't pay these rates. I guess there is a question of whether or not businesses are open to suit and I hope if that is a question that someone will table this until we know, if not I'm going to vote for this and I'm kind of atingle at this idea, twice today I will have had the chance to vote pro-choice. Thank you.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Just one point of clarity, I am still very supportive of the results of the Blue Ribbon Commission and I support that, this bill doesn't change the law regarding the Blue Ribbon Commission. Any small business with six or fewer employees has the option of continuing to carry Workers' Compensation. This only gives them the option of going under a different plan if they so choose. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEAS: Senators BRANNIGAN, BUSTIN, CAREY, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, MCCORMICK, O'DEA, PEARSON, PINGREE, TITCOMB

(In Senate, May 20, 1993, Reports **READ**.)

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, LUTHER, MARDEN, PARADIS, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

Senator **ESTY** of Cumberland moved to Table Unassigned, pending **ACCEPTANCE** of Either Report.

Senator **CAHILL** of Sagadahoc moved to Table 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

ABSENT: Senators None

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

**THE PRESIDENT:** The pending question before the Senate is the motion of Senator **CAHILL** of Sagadahoc to Table 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

A Division has been requested.

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

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, with No Senators being absent, the motion of Senator **MCCORMICK** of Kennebec, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **CAHILL** of Sagadahoc to Table 1 Legislative Day, pending **ACCEPTANCE** of Either Report, **FAILED**.

**THE PRESIDENT:** The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

The Chair ordered a Division.

Senator **ESTY** of Cumberland, moved that the Bill be Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled Unassigned, pending **ACCEPTANCE** of Either Report.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator **ESTY** of Cumberland, to Table 1 Legislative Day, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

On motion by Senator **CAREY** of Kennebec, the Senate **RECONSIDERED** its action whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence:

A Division has been requested.

Bill "An Act Concerning Limits on Security Deposits"

H.P. 898 L.D. 1213

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

(In Senate, May 20, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.)

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

(In House, May 18, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland, to Table 1 Legislative Day, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question. Are we waiting for an amendment, is this the reason why we are reversing our position on this issue?

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

**THE PRESIDENT:** The Chair would answer that the Chair was in error in accepting the Majority **OUGHT NOT TO PASS** Report.

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish Term Limitations for Presiding Officers, Leadership and Committee Chairs"

S.P. 249 L.D. 768

Tabled - May 20, 1993, by Senator **ESTY** of Cumberland.

Senator **Webster:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to that Mr. President, I can read the Report that was here several days ago and I would like for somebody to explain to me if there is a proposal to have an amendment forthcoming? Could somebody explain this to me?

Pending - **ACCEPTANCE** of Either Report

**THE PRESIDENT:** The Senator from Franklin, Senator Webster has posed a question through the Chair to any Senator who may care to respond.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ACCEPTANCE** of the Minority **OUGHT TO PASS** Report in **NON-CONCURRENCE**.

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

SENATE REPORTS - from the Committee on **UTILITIES** on Bill "An Act to Minimize Electric Rates"

S.P. 307 L.D. 940

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-159)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-160)**

Tabled - May 19, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 19, 1993, Reports **READ**.)

On motion by Senator **ESTY** of Cumberland, Tabled 2 Legislative Days, pending **ACCEPTANCE** of Either Report.

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

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

Tabled - May 19, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 19, 1993, **READ A SECOND TIME**.)

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

Sent down for concurrence.

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 19, 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.

Off Record Remarks

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

Senator **O'DEA** of Penobscot was granted unanimous consent to address the Senate off the Record.

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

Senator **CAREY** of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator **MCCORMICK** of Kennebec, **ADJOURNED** until Friday, May 21, 1993, at 9:00 in the morning.