

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

116TH MAINE LEGISLATURE

May 20, 1993

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

In Senate Chamber
Friday
May 21, 1993

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

Prayer by the Honorable Georgette B. Berube of Androscoggin.

SENATOR GEORGETTE B. BERUBE: And they asked him, "Teacher, which commandment is the greatest?" And he replied, "You shall love the Lord, your God, with all your heart, with all your soul, and with all your mind. This is the greatest and first commandment and the second is like it. You shall love your neighbor as yourself, and on these two rest all laws." Amen.

Reading of the Journal of Thursday, May 20, 1993.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Occupational Disease Law"

S.P. 216 L.D. 687
(C "A" S-92)

In Senate, May 6, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-92).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-92) AND HOUSE AMENDMENT "A" (H-365) in NON-CONCURRENCE.**

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

COMMUNICATIONS

The Following Communication: S.P. 506

Senator James R. Handy
Rep. Richard P. Ruhlin
Chairpersons
Joint Standing Committee on Labor
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Kathy MacLeod Hooke of Bethel for appointment as the Alternate Neutral Member of the Maine Labor Relations Board.

Pursuant to Title 26, MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor 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 **LABOR.**

Sent down for concurrence.

The Following Communication: S.P. 507

116TH MAINE LEGISLATURE

May 20, 1993

Senator Richard J. Carey
Rep. Beverly C. Daggett
Chairpersons
Joint Standing Committee on Legal Affairs
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Greg Murchison of Fort Fairfield for appointment to the Maine State Liquor Commission.

Pursuant to Title 28A, MRSA Section 61, this nomination will require review by the Joint Standing Committee on Legal Affairs 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 **LEGAL AFFAIRS**.

Sent down for concurrence.

The Following Communication: S.P. 508

116TH MAINE LEGISLATURE

May 20, 1993

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dennis Lemieux of Brunswick for reappointment and Delores Finley Starbird of Augusta for appointment to the Civil Service Appeals Board.

Pursuant to Title 5, MRSA Section 7081, these nominations will require review by the Joint Standing Committee on State & Local Government 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 **STATE & LOCAL GOVERNMENT**.

Sent down for concurrence.

The Following Communication:

**STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333-0016**

May 19, 1993

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

Dear President Dutremble and Speaker Martin:

The Maine Department of Transportation is pleased to present the State's biennial Transportation Improvement Program (TIP) for the 1994-95 period which reflects the beginning of a new direction in transportation planning and programming for the State of Maine, consistent with the newly adopted Sensible Transportation Policy Act and with the goals of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

This TIP recognizes the diverse transportation needs of all segments of Maine's population along with an increased awareness of environmental concerns.

The organization of this Transportation Improvement Program is a departure from past programs in that we have included an in-depth discussion of new federal and state transportation issues and initiatives. We have also categorized projects according to type of work. These categories include System Management, System Preservation, Safety, New Capacity, Transportation Enhancement, CMAQ (Air Quality), Demonstration, and Miscellaneous Projects. Projects also categorized as New Initiatives illustrate the ways in which the Department is expanding Maine's transportation network.

To ease the transition from our traditional approach to this new TIP, we have also included an Appendix which lists projects by transportation mode and by maintenance division. In addition, the Appendix also includes a list of all municipal projects in alphabetical order.

Funding for the TIP includes the anticipated Federal funding level along with State-match monies for each transportation mode. Funding summaries specific to the individual modes can be found in the front of each Appendix. In addition, we have included projects that the Department will undertake during the 1994-95 TIP if Congress fully funds ISTEA. This amounts to approximately an additional \$30 million dollars worth of work.

I look forward to working with all of you during this exciting time in transportation history.

Sincerely,

S/Dana F. Connors
Commissioner

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

SENATE PAPERS

Bill "An Act to Establish the Maine Education and Training Export Partnership within the Department of Economic and Community Development" (Emergency)
S.P. 504 L.D. 1528

Presented by Senator **CAHILL** of Sagadahoc
(GOVERNOR'S BILL)
Cosponsored by Senator: **LAWRENCE** of York,
Representatives: **MELENDY** of Rockland, **SIMONDS** of
Cape Elizabeth, **SMALL** of Bath

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

Sent down for concurrence.

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$39,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, Cargo Ports and the Ferry Service"
S.P. 505 L.D. 1529

Presented by Senator **BRANNIGAN** of Cumberland (GOVERNOR'S BILL)
Cosponsored by Representative **STROUT** of Corinth and Senators: **GOULD** of Waldo, **PARADIS** of Aroostook, Representatives: **BAILEY** of Township 27, **BAILEY** of Farmington, **DRISCOLL** of Calais, **HUSSEY** of Milo, **MELENDY** of Rockland, **O'GARA** of Westbrook, **PLOURDE** of Biddeford, **RICKER** of Lewiston

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

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass

The Joint Select Committee on **CORRECTIONS** on Bill "An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections"

H.P. 443 L.D. 569

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

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters"
H.P. 798 L.D. 1084

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-351)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-351) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **CORRECTIONS** on Bill "An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders"
H.P. 146 L.D. 191

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-346)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-346) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Resolve, to Establish the Academy for Public Service Study Committee

H.P. 874 L.D. 1188

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-362)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362)**.

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

The Resolve **READ ONCE.**

Committee Amendment "A" (H-362) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION** on Bill "An Act to Reapportion Maine School Administrative District Number 30" (Emergency)

H.P. 1072 L.D. 1438

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-340).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-340) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes"

H.P. 864 L.D. 1173

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-343).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-343) **READ.**

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I've been looking at the amendment and the Bill and it's a little unclear to me what this Bill does. I wonder if I might ask if anyone would respond to what this particular piece of legislation does.

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-343), in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Amend the Power of Sale Foreclosure Laws"

H.P. 843 L.D. 1148

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-363).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-363).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-363) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the State Reporting Requirements for State Party Committees"

H.P. 772 L.D. 1045

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-359).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-359).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-359) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning the Taking of Sea Urchins"

H.P. 98 L.D. 140

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-366).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366) AS AMENDED BY HOUSE AMENDMENT "A" (H-380)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-366) **READ** and **ADOPTED**.

On motion by the Chair, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-366).

House Amendment "A" (H-380) to Committee Amendment "A" (H-366) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-366) as Amended by House Amendment "A" (H-380) thereto, **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act Concerning Ice-fishing Shacks" (Emergency)
H.P. 192 L.D. 255

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-341)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-341)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-341) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act Revising the Shellfish-harvesting Laws"
H.P. 773 L.D. 1046

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-353)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-353)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-353) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals
H.P. 513 L.D. 671

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-355)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-355)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-355) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Change the Railroad Fire Protection Laws"
H.P. 980 L.D. 1311

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-354)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-354)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-354) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers"
H.P. 783 L.D. 1056

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-345)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-345) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Abolish the Castine Water District"
H.P. 1006 L.D. 1352

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-344)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-344) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **UTILITIES** on Bill "An Act to Amend the Charter of the Plymouth Water District"
H.P. 1010 L.D. 1356

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-342)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-342)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-342) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide Assistance to Homeless Persons with Mental Illness" (Emergency)
H.P. 187 L.D. 239

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

Signed:

Senators:

PARADIS of Aroostook
BALDACCI of Penobscot
HARRIMAN of Cumberland

Representatives:

BRUNO of Raymond
BRENNAN of Portland
PENDEXTER of Scarborough
TREAT of Gardiner
PENDLETON of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-356)**.

Signed:

Representatives:

BEAM of Lewiston
TOWNSEND of Portland
JOHNSON of South Portland
FITZPATRICK of Durham
GEAN of Alfred

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Change the Time of the State Primary"
H.P. 488 L.D. 646

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

Signed:

Senators:

CAREY of Kennebec
HALL of Piscataquis

Representatives:

DAGGETT of Augusta
BOWERS of Washington
STEVENS of Sabattus
NASH of Camden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-307)**.

Signed:

Senator:
HANDY of Androscoggin

Representatives:
BENNETT of Norway
ROBICHAUD of Caribou
TRUE of Fryeburg
MICHAEL of Auburn

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

Which Reports were **READ**.

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

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill would change the time of the State Primary Election from the current June to September. My reason for supporting this today, and my reason for supporting this in the past, hasn't changed. This will give us a chance to telescope down the time that we spend campaigning and I know that many of us have heard from our constituents that campaigns go on for far too long. I think another residual effect of this could be a reduction in the amount of money that is spent on campaigns because when you're looking at a campaign for a Primary it will probably go from the middle of August to September. I don't foresee it happening, as some might suggest, that campaigns will be spread out through the entire summer months. Any politician with good political sense will know that many of those voters are away on vacation, when they come back toward the end of the summer months, that's when your campaign can get started up. That's because that's the logical time for it to get started up because those people will be back and you'll have a chance to persuade voters to your way of thinking and hopefully be successful in obtaining their commitment to vote for you in September. After the Primary you've also telescoped down the number of weeks that the campaign will go on for the General Election. Because the period of time is a shorter period of time from September to November you are, in effect, consolidating the kinds of advertising and the monies that will be spent to get your message across. I hope today that the Senate will support this effort to change the Primary from June to September. 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. Since this September idea has cropped up again, because we've had bills in Legal Affairs that would have us go the other way, and we had a bill that would even have us conduct our Primary on the same day or a week earlier than New Hampshire, this is an interesting concept since New Hampshire says, in their law, that they will have a

Primary before anybody else. What we've been trying to work towards is getting some of the major candidates in this country to come to the State of Maine and in the long run we may adopt some Primary, hopefully it will be in the same year as the election, but the September Primary was working against us. It would be too drastic a change if, in fact, we go backwards rather than forwards in time. You can see that by the split on the Committee we're about as unsure of anything happening as anybody else here. 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 oppose this Bill for a couple of reasons. One of them being that I could foresee that we would definitely have a long race for the Primary. If you had a Primary race you would spend much more time running against your opponent in the Primary than you would, if you should win the Primary, in the General Election. Also, if this was in September, not only would you expand a lot of your energy and finances for the Primary, you really would not have time enough to gear up and do the job that would be needed to beat your opponent in the General Election. I saw this as being more of a Bill to protect the incumbent than anything else. Those are the two reasons why I am strictly opposed to this and I would urge you to follow the Majority Report of Ought Not to Pass. 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. In our own caucus we discussed this issue yesterday and one of the concerns that was raised was the filing of your nomination papers. There was a concern raised of whether it would have to be done by April 1, and there was some concern that maybe if we made it in July that some of the concerns would be addressed. If I could just direct your attention to Section 2 of the Bill as drafted it does say that the petitions will be filed, not on April 1 as it currently is, but on July 1. Thus giving you the window of July 1 to September 1 to conduct your Primary campaign, or your General campaign if you want to get an early start on it. I think the main thrust of this Bill, and for those of here in the Senate, is to address what our constituents have been asking for. I don't know how many times I've heard the question why do you have to start so soon, why does the Presidential start three years before, why do you in the Legislature start a year in advance, and the Governorship, and so on and so forth. I think the good Senator from Androscoggin, Senator Handy, is absolutely correct. We have got to take the initiative to telescope the length of our campaigning down, the people of the State of Maine have asked for it and I think it is our obligation to give that to them. I don't think we're going to limit the amount of campaigning that will happen. From September 1 to the first Tuesday in November is still plenty of time for each candidate, whether you be in the House or the Senate, to get your message out. Men and women of the Senate, I think when the vote is taken, you sit back and you think exactly what the implication of this Bill is going to be, the people of the State of Maine will not be subjected to as much campaigning, the campaigning will be more concentrated and maybe even more focused on particular issues. For that I urge that you vote against the pending motion to accept the Ought Not to Pass Report. Thank you.

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

Senate

Ought to Pass

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Clarify What Constitutes an Emergency Regarding Disconnection of Utility Service for the Emergency Assistance Program" S.P. 184 L.D. 620

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 **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Law Regarding Rate Setting at Residential Treatment Centers" S.P. 363 L.D. 1120

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

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

The Bill **READ ONCE**.

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

Ought to Pass As Amended

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure" S.P. 234 L.D. 727

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-176)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-176) **READ** and **ADOPTED**.

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

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act Regarding Reciprocity of Licensing Barbers and Cosmetologists" S.P. 401 L.D. 1232

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-178)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-178) **READ** and **ADOPTED**.

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

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Long-term Care Ombudsman Program" S.P. 190 L.D. 626

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-179)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-179) **READ** and **ADOPTED**.

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

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Remove Home Health Care Agencies from the Maine Certificate of Need Act of 1978 Requirement for Initial Licensure" S.P. 226 L.D. 697

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-180)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-180) **READ** and **ADOPTED**.

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

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Provide for the Combination of Cary Medical Center and The Aroostook Medical Center in Central Aroostook County" (Emergency)

S.P. 411 L.D. 1287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-181).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-181) **READ** and **ADOPTED**.

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

Senator **BERUBE** for the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Regarding Lobbying" (Emergency)

S.P. 295 L.D. 881

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-183).**

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

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

SECOND READERS

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

House As Amended

Bill "An Act to Amend the Shoreland Zoning Law" (Emergency)
H.P. 168 L.D. 220
(C "A" H-335)

Bill "An Act to Establish Uniform Procedures and Standards for Administrative Consent Agreements" (Emergency)
H.P. 179 L.D. 231
(C "A" H-334)

Bill "An Act Concerning Termination of Tenancies at Will"

H.P. 468 L.D. 605
(C "A" H-316)

Bill "An Act to Improve Access of Injured Workers to Medical Care"

H.P. 644 L.D. 875
(C "A" H-331)

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
(C "A" H-327)

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
(C "A" H-310)

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
(C "A" H-320)

Bill "An Act to Amend the Laws Concerning Massage Therapists"

H.P. 982 L.D. 1313
(C "A" H-333)

Bill "An Act to Bring the State Tipping Wage up to the Federal Tipping Wage"

H.P. 993 L.D. 1335
(C "A" H-332)

Bill "An Act Regarding Suspension of Maine Guide Licenses"

H.P. 1001 L.D. 1347
(C "A" H-321)

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

Bill "An Act Related to Lottery Machines"

H.P. 159 L.D. 211
(C "A" H-319)

Which was **READ A SECOND TIME**.

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

Bill "An Act Regarding the Department of Environmental Protection Rulemaking"

H.P. 861 L.D. 1170
(C "A" H-317)

Which was **READ A SECOND TIME**.

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

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
(C "A" S-173)

Resolve, to Clear Title to Land Owned by James Mercier in Unity, Maine

S.P. 433 L.D. 1343
(C "A" S-174)

Bill "An Act to Amend the Mutual Holding Company Laws"

H.P. 477 L.D. 614
(S "A" S-175 to C "A" H-305)

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

Sent down for concurrence.

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

Sent down for concurrence.

Bill "An Act to Amend the Liquor Laws"

S.P. 194 L.D. 630
(C "A" S-169)

Which was **READ A SECOND TIME**.

On motion by Senator **CAREY** of Kennebec, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-169).

On further motion by same Senator, Senate Amendment "A" (S-184) to Committee Amendment "A" (S-169) **READ** and **ADOPTED**.

Committee Amendment "A" (S-169) As Amended by Senate Amendment "A" (S-184) thereto, **ADOPTED**.

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

Sent down for concurrence.

Senate

Bill "An Act to Provide for Interstate Cooperation Agreements between Neighboring Municipalities"

S.P. 206 L.D. 677

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

Sent down for concurrence.

Senate As Amended

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
(C "A" S-171)

Bill "An Act Concerning the Purchase of Liquor by Establishments Licensed to Sell Liquor on Premises"

S.P. 213 L.D. 684
(C "A" S-170)

Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices"

S.P. 225 L.D. 696
(C "A" S-168)

Bill "An Act Requiring a Guide for Nonresidents Hunting in Maine"

S.P. 400 L.D. 1231
(C "A" S-172)

ENACTORS

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

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents

S.P. 87 L.D. 241
(S "A" S-143 to H "A" H-171)

An Act Concerning Teacher Certification

H.P. 316 L.D. 404
(C "A" H-266)

An Act to Amend the Sex Offender Registration Act

H.P. 357 L.D. 460
(C "A" H-263)

An Act to Promote Competition in Motor Vehicle Glass Replacement and Repair

H.P. 417 L.D. 536

An Act to Clarify the Appointment, Powers and Duties of Building Committees

S.P. 178 L.D. 592
(C "A" S-119)

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

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

An Act to Require that the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority

H.P. 490 L.D. 648
(S "A" S-140 to C "A" H-176)

An Act to Provide Local Control for the Job-start Program

S.P. 246 L.D. 765
(S "A" S-128 to C "A" S-126)

An Act to Prevent Unauthorized Use of the Name Passamaquoddy

H.P. 584 L.D. 788
(H "A" H-292 to C "A" H-210)

An Act to Amend the Maine Hunting Laws Relating to Hunting from Paved Ways and Discharges of Firearms across Paved Ways

S.P. 282 L.D. 853
(C "A" S-120)

An Act to Exempt Lawful Marine Harvesting Activities in Coastal Wetlands from the Natural Resource Protection Laws

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

An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers

S.P. 354 L.D. 1068
(H "A" H-296 to C "A" S-115)

An Act Pertaining to the Appointment of Code Enforcement Officers

H.P. 855 L.D. 1160

An Act to Help Clarify the Application of the Maine Rules of Criminal Procedure to Probation Revocation Proceedings, Including the Appeal Process

H.P. 857 L.D. 1162

An Act Related to Unavoidable Equipment Malfunctions

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

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

H.P. 941 L.D. 1270

An Act to Amend the Selection Process for the Administration of the Mexico Water District

S.P. 430 L.D. 1340

An Act to Prohibit the Board of Environmental Protection from Adopting a Numeric Water Quality Criterion Prior to January 1, 1994

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

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

An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine

S.P. 120 L.D. 358
(C "A" S-122; S "A" S-142)

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

An Act to Protect Police Officers from Armor-piercing Ammunition

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

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

An Act Regarding Municipal Shellfish Licenses

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

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

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

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

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

Resolve

Resolve, for Amending the Laws Pertaining to Job Classification Specifications

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

Resolve, to Direct the Department of Environmental Protection to Develop a Report Regarding the Feasibility of the State Applying to Assume Permitting Jurisdiction over Federal Wetlands

H.P. 609 L.D. 824
(C "A" H-272)

Resolve, to Establish a Land Swap in Carrabassett Valley

H.P. 632 L.D. 863
(H "A" H-329)

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

Emergency

An Act Creating the Groundfish Hatchery Study Commission

H.P. 211 L.D. 273
(C "A" H-271)

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

Emergency

An Act to Amend the Laws Concerning the Sale of Alcohol

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

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just looked at the amendment that we're dealing with presently before the body. I would just like to ask somebody from the Committee if they would explain why we have

an emergency preamble on this. In the Judiciary Committee, typically, we wouldn't make a crime go into effect immediately. We would like to have people have some notice before setting up criminal activity so that we can educate them a little before they end up in jail. I was wondering if somebody from the Committee might explain the need for that or if somebody might Table it until I could get an answer. 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. I will accede to the wishes of the good gentleman from Cumberland and ask that this be Tabled by someone for one day. Thank you.

On motion by Senator **CAHILL** of Sagadahoc, Tabled 1 Legislative Day, pending **ENACTMENT**.

Mandate

An Act to Amend the Charter of the Northern Maine Regional Planning Commission

S.P. 140 L.D. 431
(C "A" S-117; H "A" H-318; S "A" S-124)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Reapportion Maine School Administrative District No. 72

H.P. 511 L.D. 669
(H "A" H-336)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **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:

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order: H.P. 1134

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts."

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

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

The following Joint Order: H.P. 1135

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs report out to the House bills entitled "An Act to Limit the Influence of Money in Elective Politics" and "An Act to Set Voluntary Limits for Campaign Spending."

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

Which was **READ** and **PASSED**, 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:

Mandate

An Act to Increase Tenant Representation on Housing Authorities

H.P. 550 L.D. 746
(C "A" H-264)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 33 Members of the Senate, with No Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **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

House

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Impose a Moratorium on Certain Sources of Energy until a State Energy Policy Is Adopted" (Emergency)

H.P. 709 L.D. 960

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

Signed:

Senators:

VOSE of Washington
CLEVELAND of Androscoggin
CARPENTER of York

Representatives:

KONTOS of Windham
CASHMAN of Old Town
CLARK of Millinocket
TAYLOR of Cumberland
MORRISON of Bangor
AIKMAN of Poland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-352)**.

Signed:

Representatives:

COFFMAN of Old Town
ADAMS of Portland
HOLT of Bath
DONNELLY of Presque Isle

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

Which Reports were **READ**.

The Chair moved that the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

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

Subsequently, the same Senator requested and received leave of the Senate to withdraw his request for a Division.

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

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

COMMITTEE REPORTS

House

Divided Report

Nine Members of the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on Bill "An Act to Undedicate Certain Revenues of the Department of Environmental Protection" (Emergency)

H.P. 1020 L.D. 1366

Reported in Report **A** that the same **Ought Not to Pass**.

Signed:

Senators:

PEARSON of Penobscot
TITCOMB of Cumberland

Representatives:

CARROLL of Gray
HICHBORN of Howland
MICHAUD of East Millinocket
POULIOT of Lewiston
CHONKO of Topsham
KERR of Old Orchard Beach
RYDELL of Brunswick

Three Members of the same Committee on the same subject reported in Report **B** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-373)**.

Signed:

Representatives:

FOSS of Yarmouth
REED of Falmouth
MACBRIDE of Presque Isle

One Member of the same Committee on the same subject reported in Report **C** that the same **Ought to Pass as Amended by Committee Amendment "B" (H-374)**.

Signed:

Senator:

FOSTER of Hancock

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

Which Reports were **READ**.

Senator **PEARSON** of Penobscot moved that the Senate **ACCEPT** the Report **A**, **UGHT NOT TO PASS**, in concurrence.

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

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd just like to draw your attention to one of the alternatives before you this morning. I think if you take a look at the Bill "An Act to Undedicate Certain Revenues of the Department of Environmental Protection", of which I was a proud co-sponsor, based on the fact that I've

had a number of incidences in my tenure here in the legislature to be aware of exactly what type of activities the Department of Environmental Protection has been engaged in. I think it's only appropriate that there be a very firm accounting of exactly what dedicated revenues they have to deal with, what undedicated revenues they have to deal with, what Federal monies, by rejecting the Ought Not to Pass Report and going on to accept Report C of the Appropriations Committee. If you take a look at that amendment I think you'll find that it's very reasonable and very responsible to just require the Department to conduct and explain exactly what kind of mix they have coming in for their funding sources. Which are dedicated, which are Federal, right now it's very difficult to get a handle on that. I think it's a responsible measure and I think it's a responsible action on the part of this Senate to reject the Ought Not to Pass Report so we can go on to accept Report B of that Committee. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think the Senator meant to say go on and accept Report C. He said B but I think he meant C. Frankly, Mr. President, I didn't know about Report C. I probably should have and I can't say that I object to the thrust of that particular report, however, I do think that should be generated from the Committee on Energy and Natural Resources to try to get a semblance of order if they feel that it is necessary. What this Bill comes down to is whether you want to undedicate the Department of Environmental Protection's money or you don't. I'm not a real big fan of dedicated revenue but I also have been noticing in the last several years that a phenomenon is taking place in State government which we've come, in our Committee, to start to call the Pac Man Theory, which is certain accounts in State government are eating up everybody else. I am afraid that if it were to be undedicated at this point, in the situation that we're in, Pac Man would take over and you wouldn't have anybody to answer the phone over at the Department of Environmental Protection. I happen to believe that it's an important function of State government to have environmental protection and I don't think it's going to stay anywhere near the semblance of what it is today if it's undedicated at this time. If somebody wishes to, in the Committee on Energy and Natural Resources, ask for a study I guess I wouldn't oppose that. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I apologize to the Chairman of Appropriations if he did not know of this amendment. When we had the hearing, I will be very honest, I felt very strongly that the Bill, because it had bipartisan support, deserved some merit. I agree with the Chairman of the Appropriations Committee that the fees and the licenses are two different categories. That licenses in that Department should be dedicated, but fines and penalties are in a different category. The fines and penalties are also dedicated. At the hearing I felt some empathy that this Department, at the whim of collection of fees and penalties, was allowed to grow, by enforcement by, well shall I say they're looking for extra revenues. There's a big push on for greater enforcement bringing more fees into the Department because of fines and penalties. I could

not go with the bipartisan Bill and I could not go with the Committee amendment "B", so what I did was come up with "C" and "C" says that the Department shall report to the Committee on Energy and Natural Resources and the Committee on Appropriations on the mix of their monies, and also their fees and penalties. I think we should track the fees and penalties and I would not be in favor of undedicating the licensing fees but the penalties and fines lead me to wonder. That's the reason why I put in Committee Amendment C. 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. Every once in a while in life you get caught flat footed and I just did and I really would appreciate it if someone would table this so we can look at it. Thank you.

Off Record Remarks

On motion by Senator **HANDY** of Androscoggin, Tabled 1 Legislative Day, pending **ACCEPTANCE** of Report **A**, **OUGHT NOT TO PASS**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 1114

ORDERED, the Senate concurring, that Joint Rule 13-B be repealed and the following enacted in its place:

13-B. Joint Select Committee on Rules. There shall be a Joint Select Committee on Rules consisting of 10 members of the House of Representatives and 5 members of the Senate. The Senate and House seats on the committee must be allocated between majority and minority members in the same proportion as their parties are represented in the Senate and House respectively. After the number of seats is allocated between majority and minority members, the Senate majority caucus and the Senate minority caucus shall elect by majority vote their members to the committee, and the House majority caucus and the House minority caucus shall elect by majority vote their members to the committee. The members of the committee from the Senate shall elect the Senate chair. The members of the committee from the House shall elect the House chair.

The committee shall undertake a comprehensive examination of the utility and effectiveness of all legislative rules and procedures and an examination of all legislative operations governed by or

performing functions that relate to actions governed by legislative rules or procedures.

The committee shall make a report to all members of the Legislature by July 30, 1993 detailing the results of its examination and proposing new or amended rules that the committee has determined will improve the effectiveness or efficiency of the legislative process.

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

Which was **READ**.

Senator **ESTY** of Cumberland moved the **INDEFINITE POSTPONEMENT** of the Joint Order in **NON-CONCURRENCE**.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** the Joint Order in **NON-CONCURRENCE**.

A Division has been requested.

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

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

19 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland, to **INDEFINITELY POSTPONE** the Joint Order in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **EDUCATION** on Bill "An Act to Extend the Probationary Period for Teachers"

H.P. 384 L.D. 497

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

Signed:

Senators:

O'DEA of Penobscot
LAWRENCE of York
AMERO of Cumberland

Representatives:

PINETTE of Fort Kent
AULT of Wayne
SIMONDS of Cape Elizabeth
OLIVER of Portland
PFEIFFER of Brunswick
MITCHELL of Vassalboro
SMALL of Bath
CLOUTIER of South Portland
STEVENS K of Orono

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

Signed:

Representative:

NORTON of Winthrop

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

Which Reports were **READ**.

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

ORDERS OF THE DAY

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

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

H.P. 898 L.D. 1213

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

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

Pending - **ACCEPTANCE** of Minority **UGHT TO PASS** Report in **NON-CONCURRENCE**

(In Senate, May 20, 1993, Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**. Subsequently, **RECONSIDERED**.)

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

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This particular Bill I understand has been around here several times before. I would urge people to vote against the Minority Report for several reasons. This would

prohibit owners of rental property from requiring advance rent. There's only a couple of places in the State where this is really a problem. I don't believe that by passing this we are restricting ones rights to supply and demand, so to speak. There's a good reason for advance rental for some people for renting places that could be open to destruction, people who may stay a short time and then run out without paying the rent and so on and so forth. The second part that concerns me is the fact of seasonal rentals. If someone wants to rent their cottage, which is a very common practice in Vacationland, and it's convenient for them to rent it for the whole summer season, the three month season. This would prohibit them from doing that as far as collecting their rent in June for the whole summer. Therefore, I think it would be hurting those people who do have those seasonal rentals that someone may have the good intention of staying all summer but they don't have to pay the rent. They can pay it a month or two at a time. I would definitely urge the Senate to go along with the Majority Report on this particular 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. The reason this bill was brought before was because of the college students who have to put up at least three months and sometimes up to six months amount of money, and over and above that there was a request for security deposits. The concern was that, in the particular college communities, this was putting a little too much strain on the kids who were going to school. Therefore there are some of us who thought that this Bill should be passed. I notice that there a couple of people in this body who are, in fact, on this Bill and they might be able to give you a much better idea on why the Bill even came around. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In reference to the remarks of Senator Carey of Kennebec, as far as college students having difficulty affording a rent in advance I would certainly point out that in most instances, when they live in dormitories, they pay all of their fees in advance. Also, in my district, which includes Old Orchard Beach and the Pine Point area of Scarborough, there are several families who have lived in those communities almost forever, who rent their cottages in the summer time and charge advance rent. This would severely restrict them. Here we go again with government once again sticking its nose in where it doesn't belong. If somebody doesn't like the fact that they have to pay six months rent in advance they don't have to rent from those people. The government has no business dictating what a private landlord does as long as they are not in some way discriminating against an individual. I will, in fact, move the Indefinite Postponement of this Bill and all of its accompanying papers and I would request a Roll Call.

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

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

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. There's an old saying that for every law that's adopted there's some slick person or slick lawyer who's going to find a way around it. That's exactly why this Bill is here and why we're having a problem with security deposits. Security deposits, as they were originally put into place, were limited to two months. The landlords couldn't require certain tenants to pay excessive amounts up front in order to find a place to live. What some landlords have done, and this is an extreme minority of landlords, have used advance rent in replacement of security deposits to get around that law. There may be circumstances, as Senator Hall says, in which you want to allow people to charge rent in advance. If that's the case we should allow those narrow, specific exceptions, but as the law is written now, and if you indefinitely postpone this today, we have, in the law, a massive loophole that you could drive a truck through that anyone in this State can get around in any tenancy the requirement of a security deposit being only two months by law. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. Does anyone in this body have any statistics or any information that would indicate to the members the number of complaints that have been registered, the number of problems that have been registered with the State in regards to this. The Senator from York, Senator Lawrence, mentioned that it's an extreme minority that perpetrates such action and if it is such an extreme minority then obviously it's not something that would affect the greater good of the State and should not be before this body. Thank you.

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

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This issue is one that affects my district very seriously. I have many thousands of people in my district who rent apartments and, in a good part of my district, it's a common practice for a landlord to charge six months rent in advance, as a condition of moving in. While there sometimes is not a great deal of sympathy for college students, let me tell you that if you are a person who is working, with a family, trying to find a place to move, in some parts of this State that can be a very difficult task. If you can imagine what it's like to try to come up with six months rent in advance, with a rent of \$400 or \$500 a month you can see that it can be a very serious impairment to many people. The concern was raised by the good Senator from Cumberland, Senator Summers, that in college towns, on college campuses, it's customary to pay room and board rates, or room and board fees in advance. That is true. But when the State of Maine, in the form of the University of Maine system, is the landlord, there's at least a reasonable expectation that the facilities provided will be up to code and will be well maintained. When a landlord has the rent in advance there's no great incentive for that landlord to maintain the property and, indeed, we've

had a number of problems in town over the course of the past two years that have found their way to District Court that dealt with this very issue, landlords who fail to maintain their properties. In two separate cases they owned buildings that burned and they refused to refund the rent after the fact.

If you can imagine paying your six months rent in advance, September, October, November and December's rent up front and then on January 1 coming up with rent for January, February, March, April, May and June and then having your last two months held, your security deposit held, for your July and August rent, you can see that that places a real burden on anybody, not just on college students but on working people and the elderly as well who try to move from one apartment to another. I would urge you to reject this measure and to go on and accept the Minority report. Thank you.

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am in support of this Bill and I am a landlord. I wouldn't think of putting that much of a deposit on anyone who wanted to rent from me and I understand my political feelings and my vent is towards the liberal, but just as I was encouraged to put in electric heat when I put in two more apartments I refused to. I put in the oil heat because all I was doing by putting in electric heat was upping the amount of housing that somebody had to put out of their pocket. I don't think it's appropriate that we ask for that much of a money commitment from somebody who wants to rent from you. Two months is more than adequate for that security deposit. 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. I, too, am a landlord and I'm pretty proud of the fact that we have a very low vacancy rate. We live in Farmington, as you know, in a community where there is a lot of college students. I would ask the members of this Senate today to think about what we are doing here. To me there is a reason why some landlords somewhere perhaps charge more than the normal throughout the State. I live in Farmington, our apartments are very nice, anyone of us in this chamber would be more than willing to live in one of our apartments. On the other hand there are places in town, that because of past history, because an individual or a group of individuals have literally destroyed real estate that some landlords, a small number of landlords, have felt the only way to protect their property, to make sure that they were going to have the building renting, was to approach rental of their property in this way. I can't for the life of me understand the reason for this kind of law. Anyone who took time in this chamber to look at the landlord/tenant laws, I can assure you we have some of the most liberal laws in the country. The tenants are far better off under current law than are the landlords. We've been very fortunate because our approach has been if you don't want to live in it yourself you shouldn't rent it to anybody. For that reason we've been able to get the kinds of tenants, my wife manages the real estate and we've been able to get the kind of people, over half our tenants are students. We are proud to have them there and they have maintained our properties and have done the kind of things that you expect from a tenant landlord relationship. Why are we passing

this law? Because there's a problem somewhere. I'm not sure I understand this, the laws in this State are far too tilted one way already without having another law which is going to essentially, probably in many cases, exclude the same people you are trying to help.

A woman who lives not far from me owns a piece of property. Her approach to this landlord tenant relationship is to require this amount of money several months up front. The reason is because she has had too many people trash her property, run off in the middle of the night and this is her way to assure that the mortgage payment will be paid. What people don't seem to understand is that these landlords are running a small business and they have to pay the mortgage payment once a month. I can assure you that when it comes due it is not easy to pay with the cost of running things in this State, it seems to me that we ought to look at a Bill like this: I thought to myself, should I exempt myself from voting on this but, frankly, I don't do this. I don't charge this. I wouldn't even think of charging these kinds of fees but I would only ask you to think, look at the bipartisan opposition in this chamber to this bill, look at it. The reason is that this bill is not a good idea. There's no logic for passing another law and I would ask you to oppose this. Thank you.

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

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I listened to the remarks of the good Senator from Franklin, Senator Webster, with a great degree of interest. I, too, am a landlord. I, too, rent to people who may or may not be college students at different times. I'll tell you the reason for this act if you can't understand it, the reason for the act is this, protecting consumers and maintaining access to affordable housing, plain and simple. If you think for one moment that allowing a landlord to charge rents six months in advance maintains access to affordable housing for some of Maine's more needy people I would take issue with that. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to relate something that happened to me while I was in college. There was a group of us that rented a house together, four or five of us, and it wasn't a situation where rent was charged that far in advance. About two months into the semester two of the fellows that were with us took off, leaving the rest of us responsible for the contract. I would argue that if someone is so interested in protecting an individual that they should leave this alone because if you look at the students, whether it's in Orono or Farmington or Portland, and they are charged six months in advance I would argue that it does protect those people, and it gives an individual incentive to stay in a contract. If people sign a contract and are responsible for that contract for twelve months and they lose one or two roommates then you're in the situation where you have to perform on that contract and you put those individuals under an even greater hardship. I think it's absolutely cold hearted to expect poor young college students to be responsible for an entire twelve month contract on their own. 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. Just two points, first this Bill is not a stranger to those of us who have been in the legislature over the past few sessions. Every time I've heard this Bill the reason for the genesis of this bill is that in some areas of our State, notably college towns, this is a problem. I think it's important to refer back to the comment that the good Senator from Cumberland, Senator Summers, made as far as when I went to college, and I lived in the dorm all four years in college, I was required to put every single penny up front for my housing. I haven't heard an argument made here in this chamber that this is a problem outside of those college towns. Second point, we, as public policy makers, have a responsibility to balance the competing interests and the competing concerns amongst our constituents. As an attorney who handled some force entry and detainer actions, some evictions, for landlords in my area, I can tell you that it very much is beneficial to the tenants, Maine's current law. Those who are, I see my good friend from Cumberland, Senator Conley, grinning, it is quite a task to evict someone from your apartment, from your tenancy. To expand this to limit a further protection for the landlord I think goes beyond the balancing act that we have to do. For that reason I will be voting to Indefinitely Postpone this act. Thank you.

Off Record Remarks

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

Senator **LAWRENCE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. So that my remarks aren't misunderstood again, this is a problem all around the State. This is a problem in my district. This is not a problem restricted to college towns. This is not an expansion of existing rights. The legislature passed a two month security deposit requirement years ago, someone found a way to get around it and found a court that would uphold it, calling it advance rent. I do quite a number of evictions and any lawyer in this State worth their salt can evict a tenant in a reasonable amount of time. Certainly well before two months that the security deposit is intended to cover. In some cases you can even get, when there is damages as Senator Webster mentioned, you can even get a tenant out by going into court and forcing them out in 21 days. I've done it before, it can be done. This is not a problem. What this bill does is deal with certain situations of usury. Certain situations where certain people take advantage of the misfortune of others by requiring a substantial amount of money up front. We've seen it with credit cards, we've seen it with other forms of loans, people who can't get credit who are charged excessive interest rates. That's what this comes down to and that's what this amounts to. Thank you.

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

Off Record Remarks

Senator **CARPENTER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm a landlord also. The supply and demand will take care of the price and the terms charged by rental units. It's that simple. If you don't want to pay you look for another one. Especially in my district the rents are coming down because there's more supply than demand. It's simple enough. That's what takes care of the problems and the terms that you agree upon. Thank you.

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

A vote of Yes will be in favor of **INDEFINITE POSTPONEMENT**.

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, BEGLEY, CAHILL, CARPENTER, FOSTER, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER

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

ABSENT: Senators BALDACCI, BUTLAND, GOULD, VOSE

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator **SUMMERS** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers, **FAILED**.

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

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

A Division has been requested.

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

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

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the Minority **OUGHT TO PASS** Report was **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

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

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

Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes" H.P. 864 L.D. 1173

Tabled - May 21, 1993, by Senator **CAHILL** of Sagadahoc.

Pending - **ADOPTION** of Committee Amendment "A" (H-343), in concurrence

(In Senate, May 21, 1993, Committee Amendment "A" (H-343) **READ**.)

(In House, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-343)**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-343), in concurrence.

Senator **HANDY** of Androscoggin 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.

Off Record Remarks

Senator **CLEVELAND** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and 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 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.)

Senator ESTY of Cumberland requested and received leave of the Senate to withdraw his motion to RECEDE and CONCUR.

On motion by Senator BERUBE of Androscoggin, the Senate RECEDED from its action whereby this Bill was PASSED TO BE ENGROSSED AS AMENDED.

On further motion by same Senator, the Senate RECEDED from its action whereby it ADOPTED Committee Amendment "A" (H-92), in concurrence.

House Amendment "A" (H-360 READ.

On motion by Senator BERUBE of Androscoggin, House Amendment "A" (H-360) to Committee Amendment "A" (H-92) INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by same Senator, Senate Amendment "A" (S-185) to Committee Amendment "A" (H-92) READ

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

Senator BERUBE: Thank you Mr. President, Ladies and Gentlemen of the Senate. This is an attachment to the Bill, which is a Constitutional referendum question, which would prohibit the sale of State parks and historic site lands unless the proceeds were then used to purchase or acquire additional land for State parks or historic sites. The amendment which came from the other body which we just removed would have allowed 4/5 or 80% of the legislature to override a Department's request to do otherwise. This amendment that we have attached would bring it down to the regular 2/3 requirement if that were the case. I hope you will support the amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-185) to Committee Amendment "A" (H-92) ADOPTED.

Committee Amendment "A" (H-92) As Amended by Senate Amendment "A" (S-185) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

On motion by Senator ESTY of Cumberland, ADJOURNED until Monday, May 24, 1993, at 9:00 in the morning.