

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

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

In Senate Chamber
Thursday
May 27, 1993

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

Prayer by the Honorable Jane A. Amero of Cumberland.

SENATOR JANE A. AMERO: Ladies and Gentlemen of the Senate, our words of wisdom are from a book entitled First Lady of the Senate. They are the words of Margaret Chase Smith.

"My creed is that public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation, with full recognition that every human being is entitled to courtesy and consideration, that constructive criticism is not only to be expected but sought, that smears are not only to be expected but fought, that honor is to be earned but not bought.

Amen.

Reading of the Journal of Wednesday, May 26, 1993.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **ESTY** of Cumberland the following Joint Order:

S.P. 515

ORDERED, the House concurring, that Bill, "An Act to Improve Child Care Services in the State" H.P. 565, L.D. 762 and all its accompanying papers be recalled from the Governor's Desk to the Senate.

Which was **READ** and **PASSED**.

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

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

ORDERS

Joint Order

On motion by Senator **FOSTER** of Hancock the following Joint Order:

S.P. 517

ORDERED, the House concurring, that Bill, "An Act to Make Additional Appropriations and Allocations and to Make Technical Corrections to the Laws for the Fiscal Years Ending June 30, 1993 and June 30, 1994" S.P. 497, L.D. 1517, and all its accompanying papers, be recalled from the Engrossing Department to the Senate.

Which was **READ** and **PASSED**.

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

Off Record Remarks

SECOND READERS

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

House As Amended

Bill "An Act to Authorize Maine Financial Institutions and Credit Unions to Sell Annuities" H.P. 778 L.D. 1051 (C "A" H-399)

Which was **READ A SECOND TIME**.

On motion by Senator **PARADIS** of Aroostook the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-399), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-231) to Committee Amendment "A" (H-399) **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "B" (S-231) to Committee Amendment "A" (H-399).

Senate As Amended

Bill "An Act to Develop and Expand Markets for Recycled Materials"

S.P. 229 L.D. 700
(C "A" S-226)

Bill "An Act Establishing Weapons License Reciprocity"

S.P. 388 L.D. 1183
(C "A" S-209)

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

Sent down for concurrence.

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

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto

H.P. 948 L.D. 1277

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

In House, May 24, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338) AS AMENDED BY HOUSE AMENDMENT "A" (H-393)** thereto.

In Senate, May 25, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

Senator **ESTY** of Cumberland moved that the Senate **ADHERE.**

Senator **HANLEY** of Oxford moved that the Senate **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

The Chair ordered 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. If I can just take you back to a few days ago when we debated this issue of a line item veto, we discussed at length the reasonable and moderate aspect of this legislation. Let me remind you, there are 44 States that currently have a line item veto. Only 5 of those States require a majority override, the remaining 39 States

require either a two-thirds or a three-fifths vote of the chamber to override the veto. This chamber made a responsible decision when it voted for the line item veto. By allowing the Governor to have a line item veto you have required the Governor to be accountable to the budget as well as the legislature. The line item veto, as it is relayed in this particular piece of legislation, would require each individual item to be held out and to be voted on on a majority vote. The Governor could not lump in ten different items and have those voted on. Now men and women of the Senate, I ask you this, if an item can't survive in the budget by a simple majority vote should it be there in the first place? My answer is definitely not. This is a positive measure that will end gridlock, it will hold the Governor accountable to the budget as well as the legislature. It will be an end to the backroom budget deal that the people of the State of Maine despise. Why are we not at least taking this reasonable, moderate effort to join in the Committee of Conference. Why are we trying to scuttle this right at this juncture? I would ask this chamber to join in the Committee of Conference so that we can maybe address some of the concerns that members of this chamber who aren't in favor of the line item veto, address those concerns and come forward with a line item veto, and join the rest of the States who require accountability from both the legislative branch and the executive branch. Mr. President I request a Roll Call.

On motion by Senator **HANLEY** of Oxford, 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 of Senator **HANLEY** of Oxford to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE.**

A vote of Yes will be in favor of **INSISTING** and **JOINING IN A COMMITTEE OF CONFERENCE.**

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, BEGLEY, BUTLAND, CARPENTER, CIANCHETTE, CLEVELAND, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, SUMMERS, WEBSTER**

NAYS: Senators **BERUBE, BRANNIGAN, BUSTIN, CAREY, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

ABSENT: Senators **CAHILL, MARDEN, O'DEA**

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 3 Senators being absent, the motion of Senator **HANLEY** of Oxford, to **INSIST** and **JOIN IN A COMMITTEE OF CONFERENCE, FAILED.**

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ADHERE.**

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

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

Non-concurrent Matter

Bill "An Act to Abolish the Castine Water District"

H.P. 1006 L.D. 1352
(C "A" H-344)

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-344) AS AMENDED BY HOUSE AMENDMENT "A" (H-455)** thereto, in **NON-CONCURRENCE**.

The Senate **RECEDED** and **CONCURRED**.

Non-concurrent Matter

Bill "An Act to Establish a State Trauma Care System"

H.P. 875 L.D. 1189
(C "A" H-386)

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AND HOUSE AMENDMENT "A" (H-438)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State"

S.P. 212 L.D. 683
(C "A" S-204)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-204)**

Minority - **Ought Not to Pass**

In Senate, May 26, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204)**.

Comes from the House the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The Chair moved that the Senate **INSIST** and **ASK** for a Committee of Conference.

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

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I got rather emotional last night in discussing this particular Bill. I would urge this chamber to vote against the pending motion to Recede and Concur and instead vote to Insist and ask for a Committee of Conference. Men and women of this chamber, this legislation would create a full employment program, it would require a plan be created to establish a full employment program for a pilot county or counties for the State of Maine. This program was taken from a very successful program that was adopted in Oregon and is working in Oregon. We talk a lot in this chamber about welfare reform, in fact, last evening we talked about meaningful welfare reform. A lot of discussion was made as far as exactly what is meaningful welfare reform. To me, meaningful welfare reform is welfare reform that breaks the cycle, that puts people in a job and pays them a wage, does not give them benefits without any type of work experience or work training, to move them forward. The saying that the State should give people a hand up and not a hand out is well worn, but also worth our attention. What exactly is a hand up, well this full employment program is a hand up. I gave you a personal example in my business, it wasn't with the full employment program but with a disability case where an individual had been hurt at work, she had been told by her insurance company that we would like to retrain you. They sent her to become a paralegal, she had completed that and then she went to the various law firms and asked would you hire me. They said what experience do you have and she said well I'm sorry but I don't have any experience but I am a quick study and I did do well in school. They told her to come back when she had some experience. Working with the creative work system I did not have the amount of work necessary where I could pay her a full wage but I did have enough work there where I could take on a person. We worked out a partnership where I paid half of her wage and the insurance company paid half of her wage. Everyone won, she gained experience plus she also got off disability because now she is working for a law firm in Lewiston. I hired her for seven months, she worked for me for seven months and now she is working for a large firm in Lewiston. That's a success story. Men and women of the Senate, isn't that what we are here for, to try and have creative solutions to this problem? Why in the world are we just going through the motions as far as trying to kill good legislation. This legislation will come back to the legislature for review, what this Bill does is create a pool with unemployment insurance, with AFDC and with food stamps. It's a purely voluntary program. If the person is currently receiving welfare benefits

and doesn't want to join the program they don't have to, but if they see the potential that a job lies out there somewhere for them then they can jump on. An example, take a local car dealership, they really can't afford to hire someone new on for all of the reasons that we have discussed before, Workers' Compensation, health insurance, but they do have a need for people. If they paid into the unemployment pool they would be allowed to submit to those people who are currently receiving those benefits to work for them. They would be paid from this pool of AFDC, food stamps, and unemployment insurance. They would be paid from that pool. So what happens, the employer has an opportunity to be more productive, the employer, in turn, gives the employee an opportunity to be trained, a person who either has some mechanical aptitude or was a mechanic before they hit on hard times. Men and women of the Senate, what are we here for, are we here to give people a hand up or a hand out? I'm asking you this afternoon to give serious thought about meaningful welfare reform.

The good Senator from Kennebec, Senator McCormick, said the only true meaningful welfare reform is to get people trained. Well, if there aren't any jobs out there, if people can't afford to hire people on full time maybe there aren't any positions to even be trained for, but if you can get an employer to say yes, I do have the need, but I just can't afford it, any you create a partnership with the State, who is already paying these people these benefits without any return, without any hope down the road for a positive job, what are we doing, why are we here? This only requires the Department of Human Services and the Department of Labor to work cooperatively to put this plan together. How many of us have said well if we had some creative ideas we would go forward with them. This does not implement the program in July, it requires the Departments to come back in January and say okay, this is our vision to implement the plan, we have requested the waivers from the Federal Government that we need in order to carry out the plan. That's all this does. If we don't like the plan in January, as far as it has been put forward, we don't have to accept it. We don't have to, but when are we going to start taking some creative measures to solve this problem? When is it going to happen? It certainly didn't happen in the other chamber, it took place here the other night and I would like to think that this chamber would again say, yes this is the responsible thing to do, it's what the people of the State of Maine are asking us to do, to look for these creative types of solutions to get people off the cycle, to help these people. We are not helping them by voting to Recede and Concur. We are helping them to vote to Insist and join in a Committee of Conference, that's what I'm here for, that's what the people of Oxford County voted me to do for them and I'm fighting with a 15% unemployment rate and I know the good Senator from Washington has a similar problem. My God people, when are we going to make some positive moves for the people of the State of Maine? I say the positive move is now ask that we Insist and Join in a Committee of Conference, I say we all work in the other chamber to make sure that they do the same. 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 tell you that on this Bill no one came before the Committee to speak against it, no one. Chip

Morrison, the head of the Department of Labor, sat through the whole hearing. What does the Bill ask? It asks to come up with a plan, that is not asking a great deal. If we don't like the plan we can reject it. I think the Department of Labor has every opportunity to go into our Committee and say something and what they did was they were neither for nor against. I myself see nothing wrong with this and I am going to support the move to Insist. 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 hadn't intended to speak and I see my leadership over here shaking his head as I rise but it seems that the Senator from Oxford inspires me from time to time. As all of you know I got involved in an issue last night in this chamber regarding welfare reform and it is an issue that I feel very strongly about. I just want to call to this body's attention the Statement of Fact on this particular piece of legislation. It reads, "This Bill directs the Department of Labor, in consultation with the Department of Human Services, to create the Full Employment Program, a pilot program for the residents of Oxford County. The program removes citizens who volunteer from the Aide to Families with Dependent Children program, the Food Stamp program and the Unemployment Compensation system, and provides them with a job in either the public or private sector. The Commissioner of Labor must submit an implementation plan by January 15, 1994." To me that's a reasonable thing that we are asking out of this and I just hope that the rederick that was put forth in this chamber last night, about meaningful welfare reform, will ring true this afternoon. I hope that all of you will have the fortitude to stand in support of the Senator from Oxford County, who so eloquently put forth this argument. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I request permission to pose a question to the good Senator from Oxford, Senator Hanley. Senator Hanley, this is a voluntary program to be held in one county of the State to be deemed appropriate by the plan as proposed in your Bill, not that from which the Senator from Cumberland, Senator Summers suggested, because he was reading from the Statement of Fact from the Bill itself. In this plan that is going to be truly voluntary what happens if there are no volunteers, how is the pilot plan to work in that case?

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to my good friend from Androscoggin, Senator Handy, I believe that the people of the State of Maine who are currently receiving welfare truly do want to improve themselves, truly do want to have a job to support themselves and their families and that they don't just want a hand out, but in fact they do want a hand up. You cannot, I cannot speak for anyone besides myself, but I certainly would have the motivation to have a job where I would get up in the morning, I would go to work, I would put in a day's work for a

day's pay. The people that I have spoken to who are on welfare that is one of the things that they tell me, they want to have a job, they want to have some meaning to their life, not just waiting for a job to appear but to take positive action. I am of the firm opinion that those people who are currently receiving those benefits truly do want to work. As the example I have given you, if they are given an opportunity to improve themselves, to be trained to work in an environment where they can have the possibility for future employment, that they will take that. There are no guarantees. We are taking some risk but I am putting my hopes on the people of the State of Maine who, in fact have that internal motivation to improve themselves and to make a better life for themselves and their families. That's where I think the focus should be. As the good Senator from Androscoggin pointed out, the amendment to this Bill, Senate Amendment S-204, which totally rewrites the Bill and in fact, whereas the first Bill had a pilot program for Oxford County, I thought it best to give the Department of Human Services and the Department of Labor the flexibility to see which county or counties this would be best placed in. Whether it be Washington, Waldo, Lincoln, Aroostook, Oxford, let the experts decide where it would be best to place it. Men and women of the Senate, this is a vital measure for the people of the State of Maine. We have to give them some hope, some hope to better themselves. We can retrain people but if the jobs aren't there the retraining goes for naught but if we put them in a job immediately, where they are trained on the job, where the production is needed, I say that is a lot better. I say then the employer, if they are happy with the performance of the employee, they can hire that person on, actually breaking the cycle. We hear so much about trying to break the cycle, this can and will break that cycle. I urge you to please vote against the pending motion to Recede and Concur so we can Insist and ask for a Committee of Conference. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Indeed we have meaningful welfare reform, we finalized in the Human Resources Committee, our final draft that will be popping up at any time and you will find the issue that is being discussed here today contained within our legislation. 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. Not to prolong this but just in response to the good Senator from Aroostook, I think we have to approach this from every conceivable angle. I'm not trying to state that the good work of the Human Resources Committee is not important, because it is, but I think the more efforts we have to reform our welfare system, the more options we give to people, the better off it will be. For that reason I ask that you vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator ESTY of Cumberland that the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division.

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

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

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion of Senator ESTY of Cumberland, to **RECEDE** and **CONCUR**, **FAILED**.

The Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Off Record Remarks

Non-concurrent Matter

Bill "An Act Relating to the Maine Dairy Industry"

H.P. 591 L.D. 806
(S "A" S-188 to C
"A" H-303)

In House, May 18, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303)**.

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303) AS AMENDED BY SENATE AMENDMENT "A" (S-188) thereto, in NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303) AS AMENDED BY HOUSE AMENDMENT "A" (H-458) thereto, in NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Continue the 2-cent Gas Tax Increase" (Emergency)

H.P. 1129 L.D. 1530

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

In House, May 24, 1993, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

In Senate, May 24, 1993, referred to the Committee on **TAXATION** and **ORDERED PRINTED in NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator ESTY of Cumberland, Tabled Unassigned, pending **FURTHER CONSIDERATION.**

Non-concurrent Matter

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

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

In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-298) AS AMENDED BY HOUSE AMENDMENT "A" (H-452)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks

H.P. 176 L.D. 228
(S "A" S-185 to C "A" H-92)

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 Senate, May 21, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92) AS AMENDED BY SENATE AMENDMENT "A" (S-185)** thereto, in **NON-CONCURRENCE.**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92) AS AMENDED BY HOUSE AMENDMENT "C" (H-454)** thereto, in **NON-CONCURRENCE.**

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

(See action later today)

Non-concurrent Matter

Bill "An Act to Improve the Unemployment Collection Process for Employer Contributions"

S.P. 264 L.D. 802
(C "A" S-156)

In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156) AS AMENDED BY HOUSE AMENDMENT "B" (H-439)** thereto, in **NON-CONCURRENCE.**

The Senate **RECEDED** and **CONCURRED.**

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Regulate the Use of Aircraft for Surveillance Purposes by Law Enforcement Agencies"

H.P. 889 L.D. 1203

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-425)**

In House, May 25, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425).**

In Senate, May 25, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED.**

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

Non-concurrent Matter

HOUSE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes"

H.P. 1060 L.D. 1428

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-430)**

In House, May 25, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430) AND HOUSE AMENDMENT "A" (H-427).**

In Senate, May 26, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Comes from the House, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE.**

On motion by Senator ESTY of Cumberland, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

On motion by Senator ESTY of Cumberland, the Senate **RECONSIDERED** its action whereby it **INSISTED** on:

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Bring State Water Quality Law into Compliance with Federal Requirements" H.P. 1119 L.D. 1518

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks
H.P. 176 L.D. 228
(S"A" S-185 to C"A" H-92)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-444)**.

(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.)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-444)**.

In Senate, May 21, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92) AS AMENDED BY SENATE AMENDMENT "A" (S-185)** thereto, in **NON-CONCURRENCE**.)

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

The Bill **READ ONCE**.

(In House, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92) AS AMENDED BY HOUSE AMENDMENT "C" (H-454)** thereto, in **NON-CONCURRENCE**.)

Committee Amendment "A" (H-444) **READ** and **ADOPTED**, in concurrence.

On further motion by same Senator, Tabled 1 Legislative Day, pending motion by same Senator to **INSIST**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine" (Emergency) H.P. 716 L.D. 967

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Joint Select Committee on **CORRECTIONS** on Resolve, to Require the Maine Criminal Justice Commission to Study Adult Inmate Education and Training in the Correctional System (Emergency) H.P. 478 L.D. 615

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-457)**.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-445)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-457)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-457) **READ** and **ADOPTED**, in concurrence.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-445)**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As Amended, in concurrence.

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

The Resolve **READ ONCE**.

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Provide Support to Maine Small Businesses" H.P. 929 L.D. 1252

Committee Amendment "A" (H-445) **READ** and **ADOPTED**, in concurrence.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-456)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-456)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-456) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **HUMAN RESOURCES** on Bill "An Act Regarding Community Health Centers"
H.P. 341 L.D. 444

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-447)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-447) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Prevent the State from Discharging People from State Institutions without Adequate Provision for Alternative Services" (Emergency)
H.P. 370 L.D. 473

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-446)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-446) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Reestablish Pineland Center as a Training, Education, Research and Treatment Center"
H.P. 479 L.D. 616

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-436)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-436) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Bill of Rights for Persons with Mental Retardation"
H.P. 955 L.D. 1284

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-437)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-437) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Establish Consecutive Sentencing and Mandatory Minimum Sentences for Certain Persons Convicted of Gross Sexual Assault"
H.P. 48 L.D. 64

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-441)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-441) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As **Amended**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act to Provide a Deterrent to Child Sexual Abuse"
H.P. 224 L.D. 292

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-443)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-443)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-443) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As **Amended**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act Concerning Tribal Protection Orders" (Emergency)
H.P. 1053 L.D. 1405

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-442)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-442)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-442) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As **Amended**, in concurrence.

The Committee on **LEGAL AFFAIRS** on Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the City of Rockland (Emergency)
H.P. 1124 L.D. 1523

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-448)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-448) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As **Amended**, in concurrence.

The Committee on **TAXATION** on Bill "An Act to Amend the Definition of "Parcel" for Purposes of Property Taxes"
H.P. 504 L.D. 662

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-459)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-459) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, As **Amended**, in concurrence.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Limit the Number of Bills That May Be Filed by a Legislator"
H.P. 366 L.D. 469

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424).**

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

YOUNG of Limestone
BENNETT of Norway
LOOK of Jonesboro

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

Which Reports were **READ**.

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

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 to Assess the Health Risks Associated with Ingestion of Fish Caught by Noncommercial Anglers
H.P. 276 L.D. 354
(C "A" H-384)

An Act to Clarify the Management of Real Estate Leases
H.P. 396 L.D. 509
(C "A" H-370)

An Act Related to Mortgage Companies
S.P. 177 L.D. 591
(H "A" H-417 to C "A" S-121)

An Act to Amend the Mutual Holding Company Laws
H.P. 477 L.D. 614
(H "A" H-406 to C "A" H-305)

An Act to Clarify What Constitutes an Emergency Regarding Disconnection of Utility Service for the Emergency Assistance Program
S.P. 184 L.D. 620

An Act to Amend the Long-term Care Ombudsman Program
S.P. 190 L.D. 626
(C "A" S-179)

An Act to Amend the Liquor Laws
S.P. 194 L.D. 630
(S "A" S-184 to C "A" S-169)

An Act to Provide for Interstate Cooperation Agreements between Neighboring Municipalities
S.P. 206 L.D. 677

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)

An Act to Amend Certificate of Need Provisions Regarding Home Health Care Services
S.P. 226 L.D. 697
(C "A" S-180)

An Act to Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure
S.P. 234 L.D. 727
(C "A" S-176)

An Act to Amend the State Reporting Requirements for State Party Committees
H.P. 772 L.D. 1045
(C "A" H-359)

An Act Revising the Shellfish-harvesting Laws
H.P. 773 L.D. 1046
(C "A" H-353)

An Act to Permit the Inclusion of Occupational Injury as a Reportable Condition under the Occupational Disease Reporting System
H.P. 776 L.D. 1049
(C "A" H-385)

An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers
H.P. 783 L.D. 1056
(C "A" H-345)

An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters
H.P. 798 L.D. 1084
(C "A" H-351)

An Act to Amend the Law Regarding Rate Setting at Residential Treatment Centers
S.P. 363 L.D. 1120

An Act to Amend the Power of Sale Foreclosure Laws
H.P. 843 L.D. 1148
(C "A" H-363)

An Act Concerning Repairs Performed by Rental Tenants
H.P. 900 L.D. 1215
(C "A" H-376)

An Act Regarding Reciprocity of Licensing Barbers and Cosmetologists
S.P. 401 L.D. 1232
(C "A" S-178; S "A" S-187)

An Act to Change the Railroad Fire Protection Laws
H.P. 980 L.D. 1311
(C "A" H-354)

An Act to Amend the Laws Governing the Recording of Deeds
H.P. 986 L.D. 1317
(C "A" H-383)

An Act to Amend the Charter of the Plymouth Water District
H.P. 1010 L.D. 1356
(C "A" H-342)

An Act to Undedicate Certain Revenues of the Department of Environmental Protection
H.P. 1020 L.D. 1366
(C "B" H-374)

An Act Concerning Renewals of Valid Concealed Weapons Permits
H.P. 1043 L.D. 1395
(C "A" H-377)

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 Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders
H.P. 146 L.D. 191
(C "A" H-346)

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

An Act Establishing University of Maine System License Plates
H.P. 415 L.D. 534
(C "A" H-378)

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

An Act to Impose Term Limits on Presiding Officers of the Legislature
S.P. 167 L.D. 559
(C "A" S-141)

On motion by Senator **ESTY** of Cumberland, Tabled Unassigned, pending **ENACTMENT**.

An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System
H.P. 680 L.D. 922
(C "A" H-369)

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

An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights
S.P. 355 L.D. 1069
(C "A" S-136; H "A" H-395)

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

An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State
S.P. 400 L.D. 1231
(C "A" S-172)

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

An Act Related to Medical Treatment Decisions for Psychotic Disorders
H.P. 983 L.D. 1314
(C "A" H-392)

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

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)

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

An Act to Promote State Savings through the Efficient Utilization of Funds

H.P. 1018 L.D. 1364
(C "A" H-372)

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

Resolves

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

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

Resolve, to Expand the Scope of the Maine Committee for Global Education

H.P. 1111 L.D. 1507
(C "A" H-379; H "A" H-394)

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 to Maintain the Integrity of Commodity Tax Accounts

H.P. 92 L.D. 122
(C "A" H-371)

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

Emergency

An Act Concerning the Taking of Sea Urchins

H.P. 98 L.D. 140
(H "A" H-380 to C "A" H-366)

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

Emergency

An Act Concerning Ice-fishing Shacks

H.P. 192 L.D. 255
(C "A" H-341)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 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 Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995 (Governor's Bill)

S.P. 158 L.D. 523
(C "A" S-171)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 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 Clarify the Tax-exempt Status of Community Mental Health Service Facilities

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

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 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 Minimum Safety Standards for Firefighters

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

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 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 Relating to the Lobster Promotion Council

H.P. 842 L.D. 1147
(C "A" H-350)

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 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 Provide for the Combination of Cary Medical Center and The Aroostook Medical Center in Central Aroostook County

S.P. 411 L.D. 1287
(C "A" S-181)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 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 Charter of the Boothbay Harbor Water System

H.P. 1097 L.D. 1484
(C "A" H-390)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Directing the Bureau of Health to Study the Problem of Violence among Children, Teens and Young Adults

H.P. 927 L.D. 1250
(C "A" H-387)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Mandate

An Act to Reapportion Maine School Administrative District Number 30

H.P. 1072 L.D. 1438
(C "A" H-340)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1993

H.P. 1130 L.D. 1531

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1993

H.P. 1131 L.D. 1532

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1993

H.P. 1132 L.D. 1533

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1993

H.P. 1133 L.D. 1534

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in the negative, and 26 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CIANCHETTE** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Plastic Holding Devices Used in Packaging" S.P. 350 L.D. 1064

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-228)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-228) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

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:

ORDERS

Joint Order

On motion by Senator **MCCORMICK** of Kennebec the following Joint Order:

S.P. 516

ORDERED, the House concurring, that the Joint Standing Committee on Banking and Insurance is authorized to report to the Senate a bill entitled "An Act to Amend the Laws Regarding Health Insurance and Health Care Services."

Which was **READ** and **PASSED**.

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

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

ORDERS

Joint Order

On motion by Senator **HANDY** of Androscoggin the following Joint Order:

S.P. 519

ORDERED, the House concurring, that Joint Rule 28 be amended to read:

28. Sponsorship and Identification of Agency. A sponsor of legislation may authorize an unlimited number of members of either House to cosponsor a bill, resolve, order, resolution or memorial. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the sponsor. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title. This rule is repealed on September 1, 1993.

; and be it further

ORDERED, that the Joint Rules be amended by adding a new Joint Rule to read:

28-A. Sponsorship and Identification of Agency. The primary sponsors of legislation may authorize up to 4 additional members of either House to cosponsor a bill, resolve, order, resolution or memorial. The primary sponsors may designate a lead cosponsor in each House. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the sponsor. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title. This rule takes effect on September 1, 1993.

Which was **READ**.

On motion by Senator **HANDY** of Androscoggin, **REFERRED** to the **Joint Select Committee on RULES**.

Sent down for concurrence.

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:

Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke"
H.P. 666 L.D. 904
(C "A" H-358)

Tabled - May 26, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 26, 1993, **READ A SECOND TIME**.)

(In House, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-358)**.)

On motion by Senator **PARADIS** of Aroostook, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-358), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-232) to Committee Amendment "A" (H-358) **READ**.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We have worked out, with the various groups, a compromise that I present to you today and I hope that you will support it. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to thank the good Chair of the Human Resources Committee, Senator Paradis, from Aroostook, for working with people on this amendment. In particular I want to commend Gordon Smith, who has tried to address some of the concerns of individuals who were worried that this Bill might be going to far. I just want to make sure that the Record reflects that now that Senate Amendment "A" has been postponed, the original Bill would come into play, indicating that smoking would not be prohibited in taverns or lounges or other facilities serving primarily alcohol. Point of procedure Mr. President? Has, in fact, Senate Amendment "A" been Indefinitely Postponed?

THE PRESIDENT: Senate Amendment "B" (S-232) has been presented and read. Senate Amendment "A" has not been presented yet.

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "B" (S-232) to Committee Amendment "A" (H-358) **ADOPTED**.

Senate at Ease

Senate called to order by the President.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Thank you for your patience also. I merely wanted to be sure that the Record reflected at least my understanding, and I believe it is reflected, what the intent of this amendment we are discussing will do. It will, in fact, not prohibit smoking, thereby smoking will be permitted in all establishments which serve alcohol. That is establishments which are licensed pursuant to Title 28A to serve alcohol. Smoking will be permitted there and if alcohol is served in a restaurant, and the establishment is recognized as a restaurant, then it will be governed by the rules we already have on the books pertaining to restaurants. Thank you.

Committee Amendment "A" (H-358) As Amended by Senate Amendment "B" (S-232) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

An Act to Amend the Occupational Disease Law
S.P. 216 L.D. 687
(C "A" S-92; H "A"
H-365)

Tabled - May 26, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **BEGLEY** of Lincoln to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**

(In Senate, May 21, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-92) AND HOUSE AMENDMENT "A" (H-365)**, in concurrence.)

(In House, May 25, 1993, **PASSED TO BE ENACTED.**)

Senator **BEGLEY** of Lincoln requested and received Leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to thank the good Senator from Lincoln, Senator Begley, for his cooperation and partnership in assisting us in a very bipartisan manner. I do have an amendment that is being prepared and would appreciate it if someone would Table this. Thank you.

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

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

HOUSE REPORTS - from the Committee on **UTILITIES** on Bill "An Act to Amend the Laws Governing the Conversion of Fuel Systems"

H.P. 284 L.D. 371

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-348)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-349)**

Tabled - May 26, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 24, 1993, Reports **READ.**)

(In House, May 21, 1993, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-348).**)

Senator **VOSE** of Washington moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Although the good Senator from York, Senator Carpenter, and I are on the Minority Report, we have discussed this with the sponsor of the Bill and the members of the Committee and have decided to accept the Majority Report, therefore actually making the report unanimous. The reason for that is that part 2 of the Report is something we all agree on and if we get into a debate we are liable to lose the whole Bill and that's not the desire of the Committee. Thank you.

On motion by Senator **VOSE** of Washington, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-348) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**, in concurrence.

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

Emergency

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94

H.P. 859 L.D. 1168
(C "A" H-310)

Tabled - May 26, 1993, by Senator ESTY of Cumberland.

Pending - ENACTMENT

(In Senate, May 21, 1993, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-310), in concurrence.)

(In House, May 24, 1993, PASSED TO BE ENACTED.)

On motion by Senator PEARSON of Penobscot, the Senate SUSPENDED THE RULES.

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

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

On further motion by same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (H-310), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-237) to Committee Amendment "A" (H-310) READ and ADOPTED.

Committee Amendment "A" (H-310) As Amended by Senate Amendment "A" (S-237) thereto, ADOPTED in NON-CONCURRENCE.

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

Sent down for concurrence.

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

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

Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" H.P. 250 L.D. 329 (C "A" H-389)

Tabled - May 26, 1993, by Senator ESTY of Cumberland.

Pending - PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence

(In Senate, May 25, 1993, READ A SECOND TIME.)

(In House, May 24, 1993, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389).)

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

The Chair laid before the Senate the Tabled and 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 26, 1993, by Senator ESTY of Cumberland.

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.

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

HOUSE REPORTS - from the Committee on UTILITIES on Bill "An Act to Ensure Economic Benefits from Purchases by Generators of Nuclear Power" H.P. 289 L.D. 376

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-347)

Minority - Ought Not to Pass

Tabled - May 26, 1993, by Senator ESTY of Cumberland.

Pending - ACCEPTANCE of Either Report

(In Senate, May 25, 1993, Reports READ.)

(In House, May 24, 1993, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-347).)

Senator VOSE of Washington moved that the Senate ACCEPT the Minority OUGHT NOT TO PASS Report in NON-CONCURRENCE.

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

Senator VOSE: Thank you Mr. President, Ladies and Gentlemen of the Senate. L.D. 376 would require a nuclear power plant to seek approval of the Public Utility Commission before undertaking a major retrofit or repair in excess of \$100,000,000. I'm opposed to this Bill for several reasons. First, it is entirely unnecessary for the Maine Public

Utilities Commission to get involved in any such approval because the Federal Energy Regulatory Commission already scrutinizes Maine Yankee's operating costs and investments. These proceedings require Maine Yankee to prove that the plant repair investments are prudent before the cost of these investments can be recovered in rates. Both the Public Advocate and the PUC have been intervenors in these cases in the past, thus giving the PUC ample ability to get involved at the Federal level in these decisions. Secondly, the Maine Public Utilities Commission has a similar opportunity to review investments in Maine Yankee as part of the rates cases brought by the Maine owners of Maine Yankee, notably Central Maine Power, Bangor Hydro, and Maine Public Service. For example, Central Maine Power recently filed a \$95 million base rate case with the PUC, of which about \$20 million is for recovery of costs associated with Maine Yankee. These costs were to be thoroughly scrutinized by the PUC to determine whether or not they are prudent and therefore recoverable through rates. As you know, the PUC has disallowed recovery of a variety of costs in the past, including some costs associated with Maine Yankee. This review by the PUC is a powerful tool which allows a proper regulatory review of Maine investments and business decisions. Thirdly, likely power replacement costs, which would very likely be required under this Bill, would be enormous. Under this Bill the PUC requires at least two months notice before filing of a petition and thereafter one year to decide it. The power replacement cost, during the minimum 14 month period, could be up to \$400,000 per day, or a total cost of up to \$288 million. That's the worst scenario, frankly. It could be, if they knew ahead of time that they were going to have to replace it, it could be less than that obviously. In actuality the cost could easily exceed even this enormous figure because after the approval is received several more months could easily pass while the repairs were actually being made. These enormous costs would be covered directly by Maine electric rate payers. The investments made by Maine electric utilities, including investments in Maine Yankee, are already part of the least cost savings plans which must be submitted to the PUC. Under the requirements of similar least cost plans in other states, seven nuclear power plants have already been closed down by their owners because the cost of major repairs are found to be uneconomical. If these investments had been made despite the fact they are uneconomical the plant owners would not have been allowed to recover those costs through rates. The recent closure of Yankee Row graphically illustrates this point and proves the effectiveness of existing conditions that this Bill is unnecessary. Fifth, the PUC already has ample power to open dockets on all motions as set forth in section 1303 of the Public Utilities Law, Title 35A. Our Maine Supreme Court has stated that this authority to investigate extends to any matter relating to a public utility. This investigative power could be evoked against the Maine owners of Maine Yankee at any time to look at Maine Yankee investments. Likewise, section 113 of Utility law gives the PUC broad powers to conduct management audits, to determine whether a public utilities operations are run in an effective, prudent and efficient manner.

If enacted, this Bill for the first time requires a nuclear plant to get a permit, or a certificate of need, for a retrofit. I am likewise very concerned about the regulatory precedent that this type of prior approval will set in Maine. Any retrofit could easily require a certificate of need under this. For all of these reasons I ask you to support the

acceptance of the Ought Not to Pass Report. 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. L.D. 376 protects the rate payers and shareholders by requiring Maine Yankee to obtain a certificate of public necessity and convenience from the PUC before spending large sums of money on major retrofits and repairs. It would create a \$1 million threshold that would trigger the Bill's requirement. The Utilities Committee voted Majority Ought to Pass, both the Public Advocate and the PUC support the Bill. Under the present rules if Maine Yankee needed to replace a generator, for instance, it could choose independently to spend \$150 million to \$200 million. Because they are a wholesale supplier of electricity, they would apply to FERC for an energy increase to pay for the new expense. When FERC approves the rate increase, retail suppliers of electricity, such as CMP and Bangor Hydro, would, in turn, apply to PUC for the rate increase. I ask you to join the Majority of the Committee, Ought to Pass, the Public Advocate, and the PUC in correcting the situation and I would ask that you not vote for the Minority Report but accept the Majority Ought to Pass Report. 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 rise to ask you to not support the Minority Report but to support the Majority Report which we will present, should we prevail on the first vote. Again, I would like to remind you that the Majority Report is supported both by the Public Advocate and by the Public Utilities Commission. This is really simply a consumer Bill. It's a consumer protection Bill, it's one of the biggest consumer protection measures that you will see in regards to the concerns about rates and the cost of electricity that our citizens and businesses have. This is not an anti-nuclear Bill, it is not. Nor is it a Bill intended to inhibit in any way the ordinary and usual expenditures up to \$100 million for the repair and maintenance and operation of the facility that occur from time to time. Rather it is simply a measure to recognize that a nuclear facility is somewhat different than other facilities, and like them at the same time. Let me tell you what that means. They are very expensive facilities, so when you retrofit a facility for \$100 million, and incidentally we are probably talking about the replacement of a steam generator at the facility, a major piece of equipment, it would establish that they would first have to go to the Public Utilities Commission to present the need for the retrofit and the justification that it is in the best interest of the public and ask for a certificate of need. The reason that we ask for this now is that it is not inconsistent at all with the fact when other major investments required by public utilities have to go and ask for a certificate of need for new facilities. Often times, perhaps not even in the amount as large as \$100 million, because we want to protect the rate payer to make sure those investments are in their interest.

Currently there is some notion that the rate payer is protected because it is regulated by FERC, the Federal Energy Regulatory Commission. There is some regulation by them but the standing legal

opinion by the Chief legal counsel for the Public Utility Commission is that in all practicality they are preempted from excluding those rates because they are a wholesale facility that would already have been approved by the Federal Energy Commission. Therefore, though they would go to FERC and get approval, generally, for the protection of the health and safety of the facility and the authorization to go ahead and do it, they sell wholesale electricity. That wholesale is then sold to the utility who sell it to the rate payers and that mechanism, it is the standing opinion of the legal counsel of the PUC, that they wouldn't have a very strong legal position to disallow those expenditures of \$100 million or more and therefore, they would stand and have to be passed on in rates, whether or not it was prudent for the public investor or whether or not there was a better investment that ought to have been made for the public interest. It is true that there is some kinds of small investments, like investments for advertising or for political campaigning, that have been scrutinized and have been set aside and disallowed, but those are relatively small when compared to the size of the investment that we are talking about.

We simply think it is a common sense, good idea. If you are going to spend that sum of money on that facility, and it is a good idea to do that and certainly the shareholders would be very cautious in spending that kind of money, you ought to be able to show that it is also good for the consumers. Therefore, we are requesting that on that kind of a major retrofit you go and ask for permission, receive it from the PUC, and proceed with your project and retrofit. Let's protect the consumer in advance, not put them in the position that our State regulators will be preempted from protecting them afterwards because FERC has taken some action and we now no longer can override that. We think it's good for the consumer, we hope that you will concur, that is all that we are trying to do and I would urge that you not vote for the Minority 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 opinion this Bill is a well meaning Bill but for two things. As amended it says that the PUC would get involved in any project in excess of \$100 million. I would just submit to you that it is so easy to get around that. I just read the language and 2 \$50 million jobs or 2 \$75 million jobs would not require a permit or a ruling by the PUC. The other thing that it would do is put one more layer of permitting, one more layer of delay in a project that is already being scrutinized very carefully by FERC. I just think it is another layer that is not needed and I don't think it works well anyway. I would urge you to vote for the motion of the Senator from Washington, Senator Vose. 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. Let me just say that I understand the concerns of the sponsors of L.D. 376 for protecting Maine electric consumers from unwarranted new costs, but it is clear that we do not need this legislation to help us with Maine Yankee. In fact, we should all bear in mind that Maine Yankee has historically been an extremely low cost source of electricity for Maine, and this continues today.

Because of this, and because of the dual levels of regulation that already apply to Maine Yankee's cost, I really think that we should reject L.D. 376. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Let me clarify a couple of points if I may. First of all this will not necessarily cause any delay in the facility's renovation whatsoever. One has to remember that we are talking about renovations in excess of \$100 million per renovation project. These renovation projects are generally requiring things like a steam generator, not items that are stored on a shelf at your local steam generator shop. They are prefabricated, you have to order them in advance, they have to be specialized for that facility. An entity has to prepare for these and the process by which they acquire this takes some time. One also has to presume that when you are talking about replacing equipment of this size and expenditure that you do it in a planned way, that you anticipate the need for it. There may be an accident which may occur, but as it has been said, our Maine Yankee nuclear facility has run very reliably. You are planning ahead for these major kinds of constructions and if you do that there will be no delay whatsoever because you will be able to go in appropriate time before the Commission, put your case, get your approval and proceed with the project. There will be no additional cost because having to purchase any additional power necessarily at all, it's only when you assume the worst possible cases which have never happened here at Maine Yankee, and no one has suggested to me that they anticipate that they ever will happen at Maine Yankee and we hope that they never do happen at Maine Yankee.

Secondly, I think we have crafted the Bill in such a way that it is clear and definitive that we are talking about \$100 million per incident. This notion that perhaps someone could somehow go around it by splitting it up into two kinds of Bills is rather interesting to me because if that is the intentions of the Utility then they wouldn't be opposed to the Bill because they would just do it. I think they are opposed because it is clearly defined so that they know it is one contract, one major renovation. I think that the Bill is reasonably well crafted and I would hope that the utilities don't plan on circumventing the intent of the law by doing something of that nature. I believe it is a good consumer Bill, it poses no undue burden on the utilities to just assure the public and the regulators that this is a good investment that the rate payers will be paying for. I ask for your support. Thank you.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We must realize that on a certificate of need procedure it is the Public Utilities Commission that will make the decision whether or not this is going to be a prudent investment. If I recall correctly, they recommended investment in Seabrook. I have found out that that was not necessarily very prudent. Also, they recommended long term contracts with Premba, and we are still paying for that. I think it's better left with the way it is now and let them determine the prudence after the fact. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **VOSE** of Washington, 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.

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

Sent down for concurrence.

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.

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

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

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

Bill "An Act to Authorize Maine Financial Institutions and Credit Unions to Sell Annuities"
H.P. 778 L.D. 1051
(C "A" H-399)

Tabled - May 27, 1993, by Senator **ESTY** of Cumberland.

Pending - the motion by Senator **PARADIS** of Aroostook to **ADOPT** Senate Amendment "B" (S-231) to Committee Amendment "A" (H-399).

(In Senate, May 27, 1993, **READ A SECOND TIME**. Senate Amendment "B" (S-231) to Committee Amendment "A" (H-399) **READ**.)

(In House, May 26, 1993, **READ A SECOND TIME** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399)**.)

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One of the major concerns that I have always had and other people have had is that we are concerned about our small business people back home. This amendment simply acknowledges that if an individual wants to work in a bank to sell annuities that he do simply annuities and give up other lines of business. We think that it would be more of a level playing field and then this way I could support the Bill as it is written. Thank you.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As you know, yesterday I had some serious concerns about this legislation from the Banking and Insurance Committee and ultimately opposed the Bill. I think I would like to thank the good Senator from Aroostook, Senator Paradis, for doing this. I think that raises my comfort level to some degree. However, I do have a question that I would like to pose through the Chair. To the Chair of the Banking and Insurance Committee, the Senator from Kennebec, Senator McCormick, with respect to Section 2 of the Bill, subsection 5 of the proposed section, dealing with the lines that state, "Financial institution or credit union authorized to do business and to sell annuities in the State may not sell or provide any individual or institution with the name of any person who has purchased annuities from that financial institution or credit union." My question is what is the penalty if someone should do that?

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The answer is that the Superintendent of Insurance, or Banking in the case of annuities if this were to pass, can call an administrative hearing and cite the violator by either fine or removal and revoking of the license. Thank you.

On motion by Senator **PARADIS** of Aroostook, Senate Amendment "B" (S-231) to Committee Amendment "A" (H-399) **ADOPTED**.

On motion by Senator **SUMMERS** of Cumberland, Senate Amendment "A" (S-227) to Committee Amendment "A" (H-399) **READ**.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment is intended to clarify an issue that I think is very

important should this Bill become law, and that issue is whether or not an annuity sold by a bank would be backed by the FDIC. In talking to many members of the lobby on both sides of the issue I think this could pose a significant problem to perhaps an elderly person who has done business at a bank for a number of years and is approached by someone in the bank to buy this product, that person may mistakenly believe that that annuity is backed by the FDIC. This amendment would require that signage be posted in all banks and also that they be notified in writing and orally that these instruments are not backed by the FDIC and I hope the Senate will adopt this amendment. Thank you.

On motion by Senator **SUMMERS** of Cumberland, Senate Amendment "A" (S-227) to Committee Amendment "A" (H-399) **ADOPTED**.

Committee Amendment "A" (H-399) As Amended by Senate Amendments "A" (S-227) and B" (S-231) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Yesterday, as you well realize, I voted in opposition to this Bill. I have talked to the insurance lobby, they have assured me that they are comfortable with this Bill with the addition of these two amendments. I would hope that this does not come back in a couple of years, or if it does I certainly hope that I am here. Thank you.

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

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

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

HOUSE REPORTS - from the Committee on **APPROPRIATIONS & FINANCIAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto
H.P. 948 L.D. 1277

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

Tabled - May 27, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by same Senator to **ADHERE** (Division Requested)

(In House, May 24, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-338) AS AMENDED BY HOUSE MENDMENT "A" (H-393)** thereto.)

(In Senate, May 25, 1993, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, May 26, 1993, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

(In Senate, May 27, 1993, Motion to **INSIST** and **JOIN** Committee of Conference **FAILED** in **NON-CONCURRENCE**.)

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ADHERE**.

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

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 **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, BEGLEY, BUTLAND, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, SUMMERS, WEBSTER**

ABSENT: Senators **BALDACCI, CAHILL, MARDEN**

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **ESTY** of Cumberland, to **ADHERE, PREVAILED**.

The Secretary has so informed the Speaker of the House.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Limit the Number of Bills That May Be Filed by a Legislator"
H.P. 366 L.D. 469

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-424)**

Tabled - May 27, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, May 27, 1993, Reports **READ**.)

(In House, May 26, 1993, the 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. I hope that you would vote against the pending motion so that we can go on to pass the Ought to Pass as Amended Report. I will be the first one to admit that this L.D., this piece of legislation, was borne of frustration, the frustration that I, and I assume many of you, feel at this time of the Session. The pace of work in each Committee increases, many pieces of good legislation are either being carried over or killed because of our inability to deal with the complex issues at this late date. On May 24, Monday of this week, the State and Local Government Committee heard its first piece of major government restructuring legislation. The prime sponsor had said that he had worked the Bill last summer and during the fall and had presented it to the Revisor well in advance of cloture, and it now appears before the State and Local Government Committee in what was to be the final week before we dealt with the budget, before the State and Local Government Committee, in competition with our attempts to wrap up the mandate legislation and the APA legislation. It happens this way every session. It is very frustrating and the reason that it happens is because the system is so clogged with pieces of legislation throughout the session that the more important pieces get put off until the very end. This Bill would impose a small amount of restraint and discipline on the system.

We see the same Bills before us year after year. Many of them don't have any chance of passing, they take time in the Revisor's Office and they take time to be printed. I'm not asking you to do something that no other State has done. As a matter of fact, at least 10 States, that I am aware of, have set limits on the number of Bills that they can introduce. I would also say that at 10 Bills apiece, that is 1860 pieces of legislation, which is in excess of what we have in front of us in the folders. I would hope that you would not vote for the pending motion. 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. The Bill would limit the number of Bills you can introduce to a maximum of 10. I'd like to ask you what you would do if you had 15 of your constituents, businesses, organizations, or individuals, who can only have a piece of legislation introduced in this State through their elected Representative or Senator. What would you say to them, would you say well I've already got 10, I can't take your Bill. I think it is undemocratic and I don't think that we should limit the number of Bills that legislators can introduce, particularly when Departments in the Executive Branch can present as many as they wish. I ask that you for the Ought Not to Pass Report. 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. Being a cosponsor of this Bill, when I campaigned for office this is one of the very items that I campaigned on. Due to the excessive amount of Bills that these bodies hear every year, and due to the large expense that we go through to do this, I know, first hand now, just what the process is and I am more adamant now than I was when I campaigned. I think that 10 Bills is too much to start with, but I think that every legislator should give some thought to Bills before they introduce them. I would remind everyone that not only do all the constituents back home have a Senator, they also have a Representative. This would allow each one of to introduce 10 Bills. We all know that there are some people down here who don't introduce any Bills, there are others that introduce many more. Simply, if you had your 10 Bills in then you would have to find a direct sponsor for your 11th, 12th, 20th or 30th if you so wished. I really don't think that would be a problem. We would probably end up with as many as we have now, maybe a few more, but I think it's a start in the right direction. We all have heard that the cost overrun to run the legislature the people aren't happy with. If they were happy we wouldn't have seen another Bill in here to reduce the size of the legislature. It's time that we started listening to the people back home, you've heard me say that before, I believe it was probably yesterday, and I will probably say it again tomorrow and then again next week and every day that you are here you are going to hear me say this. I think that when we come down here we are insulated from the folks back home. Yes, we get letters, we get phone calls, but we are amongst each other and we have forgotten what they told us back home. This is one of the things that I have been telling you, if you haven't heard it you haven't been listening. I understand that every new comer introduces such a Bill, well I don't want to be different so here it is. I understand it has maybe never been debated here, maybe it have never gotten quite this far, so we are making some progress. I can assure you that if it doesn't pass this time it will be back again. It's time that we did listen, that we did think about this. This is a step in the right direction. It's not going to hurt anyone, there are avenues for getting your Bills in without any problem but at least it is going to show that we are headed in the right direction. If we had 3000 Bills to go through this time there is no way that we could be out of here by the 16th of June. We are just barely getting these Bills through here now with the amount that we have, and it has already been mentioned that you all sit in these Committees, you know what is happening to these Bills. The Bills that have come in the last three weeks have not all had a fair hearing, and there is some good legislation that probably should have been passed, but because we have hurried it hasn't happened. Maybe if we pass a Bill restricting the amount of Bills that can be introduced, maybe we can do a better job with the ones that do come in. I would urge that you would vote against the Majority Ought Not to Pass Report. 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. One of the previous speakers said at this time of year we get a flood of Bills and they all seem to jam up at the end. I guess that's the nature of the process, but many of the Bills that I am seeing right now say Governor's Bill on them. As a matter of fact, when

we were doing a supplemental Bill several months ago we were talking about an item to generate money by chasing down wayward parents from paying their child support and they were talking about including that in the supplemental Bill months ago and the Governor just introduced that last week. We had all the details then. Now does this Bill contain any restrictions on the Governor and his ability to introduce Bills, especially at the very last minute when you don't have very much time to think about them? The Senator from Piscataquis, Senator Hall, said that he was concerned about the cost overruns in the legislature. What cost overruns in the legislature? I'm not aware of any cost overruns in the legislature. I am aware of trimming the legislative budget back and back and back but I am not aware of any cost overruns in the legislature. Perhaps he could enlighten me on that particular item that he just mentioned. He goes on to say that we aren't getting the message, that there are always Bills in to reduce the size of the legislature and that we are not getting the message and we have forgotten what they told us back home. I've gotten elected 10 times, and I've never been in favor of reducing the size of the legislature because I take the time to explain to the people who live in northern Maine, that when you reduce the size of the legislature they are the ones who get hurt the most. The more rural we are the more we get hurt. This Bill, I know people say there are Bills that get introduced all of the time every year, year after year, this is one of them. I just don't see how you can even want to limit the power of the legislature because it is the closest vehicle to the people of Maine. I don't introduce a lot of Bills but if I had a quota of 10, 3 or 4 or sometimes 5 of them would be used up in the year just introducing budget Bills for the Governor. I do think that some people do introduce too many Bills, there is no question about that, but I don't think there ought to be a limit on it in law. As a matter of fact I'm not even sure that it is constitutional. 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. If I said cost overrun I would apologize for that. I don't believe that we have had a cost overrun. What I meant to say was the extreme high cost of running the legislature, and it is high. As far as limiting the Governor's Bills, I have no problem with that and to be honest with you I didn't think of it, nor did the other sponsors apparently, if they did it was never mentioned. I would be willing to limit that and use some of our numbers up to introduce any of the Governor's Bills. I have no problem at all with that. I think it's a great idea and I think I will include that the next time around. Thank you.

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

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to accept the Majority Ought Not to Pass Report on this Bill. This Bill is very similar to the term limit Bills that have been here in recent weeks. Term limits for leadership, line item veto Bills, every one designed to weaken the legislative branch relative to the Executive branch. It's foolhardy to think that the solution to the problems that we are facing in government is having a reduced voice for all of the people that we represent at home. The real solution for this problem is for us to implement

a concept drafting process here in the Maine Legislature as some other States have. Under concept drafting, when a legislator has an idea that they think is worthy of being a Bill, they bring it to the policy committee and explain their idea. Only then, after the committee discusses it and decides that it might be something worth pursuing, does the staff actually sit down and dedicate the hours and time and energy to drafting the Bill, and then you have a workable product. I can't think of any reason in the world why we should have staff drafting 1400 or 1500 or 1600 Bills so that legislative Don Quixotes can run off, tilting at windmills, all through the legislative session. I would hope that if this Bill came back, or this concept came back, in the next legislative session, that the Committee would dismiss it out of hand and add that it is no longer needed because of concept drafting, which is the real solution to this problem.

As I listen to the critics of the Legislative branch I can come to only one conclusion and that they would be more comfortable without a Legislative branch, they would, perhaps, be most comfortable with a Monarchy where the Executive has all of the power, all of the discretion and administers what is truly the most efficient form of government. 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 rise because I will be voting with the Majority Report, Ought Not to Pass, but I rise to make a comment about the need to address the real problem. There are those who want to make grand statements but the reality is that our resources in the Legislature are not unlimited. Our time is not unlimited, the amount of Bills any Committee can hear is not unlimited, we are limited by Statute to 100 days in the first Session and 50 in the second. Many of us have been in Committees and seen where Bills have been held over because we simply have no time to give them an honest review, where scores more have been killed outright because we don't have time to deal with them, where perfunctory hearings are given superficially just to meet the requirement that the Bill is there, or we waive public hearing completely, we don't have time to give adequate notice to the sponsors of work sessions. If we take our work responsibly and the work that we do here, we should give it the kind of attention it deserves. We must also realize that we have a finite amount of resources that must be used to their best advantage. Every idea, every Bill, every issue, doesn't have the same weight as every other and we ought to recognize that and give it sufficient priority, even though each Bill would be of interest to at least one person, many Bills affect all of the people in this State. In the late 1980's we commissioned a study by Pete Marwood, that study contains recommendations on how the Legislative branch of government and the Executive branch can be more efficient in what they do. This is not the solution, but simply not to recognize that we must do something only makes us more incapable of doing the people's business sufficiently. So I will not be supporting this but I add my weight and words to the fact that we must learn to manage our business and not let it manage us. 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 find this

conversation very interesting. I have a friend who is somewhat older than I and he is a retired lawyer, he is a former Workers' Compensation Commissioner and he just resigned as being the attorney who reviewed the malpractice claims prior to them going to suit for northern Maine. He told me that when he started practicing law in 1948, the laws of the State of Maine were contained in 4 volumes. Today they are in some 60 odd volumes. I find it hard to believe that we act that much worse than our parents and grandparents did. Maybe we do, maybe this Bill is the answer to it and maybe it's not, but are we that much better off today by having these thousands and thousands and thousand of additional Bills that have been past this Legislature in the last 40 or 50 years? If we are, I fail to see where it is. I don't believe I am a bit better off today than my parents were. They seemed to live an easier lifestyle of their own speed and quality than I do and I don't believe I have gained much. I don't know that this Bill is necessarily the answer but I think it is worthy of conversation and I think we should take a look at some method of straightening out the number of Bills here. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to thank the good Senator from Piscataquis, Senator Hall, for bringing this idea to us for debate. I have to note, actually, with a smile that the good Senator from Cumberland, Senator Summers, and the good Senator from Oxford, Senator Hanley, seem to have left their seats during this debate on the limit for a number of Bills. I had an opportunity to look at some of the ideas that my good friends have had, and Senator Hanley from Oxford, whom I have great respect for, far and away leads those in the Minority party with ideas, 29 to be exact as prime sponsor. The good Senator from Cumberland, Senator Summers, also with many ideas, I think is second with 17 as prime sponsor. Of course I didn't dare to look at my own. But the point is this, should we limit Gaugin to 10 paintings? Should we limit Einstein to 10 theories? No, of course not. Some people have a lot of ideas, some people never have any, and there are those in this chamber who didn't have one, and I will not point them out for the Record. I would say to the good Senator from Piscataquis, Senator Hall, this is an idea worthy of debate. I would point out to you that there are only 1600 Bills this year which is far less than usual and that if we had a limit of 10 per legislator, that would be 1860 and I think we are doing well. 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 would just like to thank my good friend from Cumberland, and he is my good friend, Senator Conley. Just to correct the Record, it is 27 Senator Conley, not 29. I think the argument that can be made is maybe this place would run smoother if Senator Hanley had introduced only 10 rather than the 17 extra. 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. It's good that we can have a debate that we can laugh about. I really think that is good. I am reluctant to tell you about

my next idea but I have decided I am going to because it is very closely related. There again, I have given this one a little thought and this may be an original and once I let it out someone is going to steal it but that's alright, I don't care. The idea is this, that I am going to introduce a Bill, sometime in the future, that in order for you to introduce a Bill, and there won't be any numbers, I will take the numbers off, you will have to find a Bill on the books to repeal. Think about that one, it may work. In noticing that we do still have some absent members, I know everyone really wants to vote on this Bill so I will ask for a Roll Call. Thank you.

On motion by Senator **HALL** of Piscataquis, 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 Cumberland, Senator Summers.

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have been moved twice today, first by the Senator from Oxford, Senator Hanley and now from my very best friend in the world, the Senator from Cumberland, Senator Conley. I think it boils down to this, and I have to put it in terms that my friend from Cumberland, Senator Conley, can understand, it's kind of like when you have to cut back in your beer drinking a little bit. It's like when light beer came out, nobody wanted light beer but we all finally moved to it and I say to you Senator in good faith, that there is always the amendment process. 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 just want to let the good Senator from Piscataquis, Senator Hall, know that it isn't an original idea. I just have to relate this little story to you. When I first ran for office and I was on staff to Senator Muskie, at a dinner meeting he said to me, Beverly please, when you go there, don't make laws, repeal laws. Thank you.

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

NAYS: Senators AMERO, BUTLAND, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, SUMMERS

ABSENT: Senators BALDACCI, BERUBE, CAHILL, MARDEN

Senator **BRANNIGAN** of Cumberland requested and received Leave of the Senate to change his vote from **NAY** to **YEA**.

Senator **BUSTIN** of Kennebec requested and received Leave of the Senate to change her vote from **NAY** to **YEA**.

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senator **WEBSTER** of Franklin was granted unanimous consent to address the Senate off the Record.

THE PRESIDENT: In reference to the action of the Senate on May 27, 1993, whereby it **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE** on Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State" (S.P. 212) (L.D. 683)

The Chair appointed as conferees on the part of the Senate:

Senator **LUTHER** of Oxford.
Senator **HANLEY** of Oxford.
Senator **PINGREE** of Knox.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

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

Bill "An Act Concerning Duplicate Fees Required by the Department of Environmental Protection"
H.P. 1023 L.D. 1375
(C "A" H-411)

Tabled - May 26, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 26, 1993, **READ A SECOND TIME**.)

(In House, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411)**.)

On motion by Senator **PEARSON** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-411), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-230) to Committee Amendment "A" (H-411) **READ** and **ADOPTED**.

Committee Amendment "A" (H-411) As Amended by Senate Amendment "A" (S-230) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

Bill "An Act Regarding the Department of Environmental Protection Rulemaking"
H.P. 861 L.D. 1170
(C "A" H-317)

Tabled - May 26, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, May 21, 1993, **READ A SECOND TIME**.)

(In House, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.)

On motion by Senator **CIANCHETTE** of Somerset, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-317), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-233) to Committee Amendment "A" (H-317) **READ** and **ADOPTED**.

Committee Amendment "A" (H-317) As Amended by Senate Amendment "A" (S-233) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Require that the Clerk-of-the-works on State Construction Projects be Employed by the Owner, not the Architect"

H.P. 219 L.D. 287

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

Tabled - May 26, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In Senate, May 25, 1993, Reports **READ**.)

(In House, May 24, 1993, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-382)**.)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Clarify the Extent of Insurable Interests"

S.P. 448 L.D. 1415

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the Sale of Surplus Lands from the State Nursery" (Emergency)

S.P. 89 L.D. 243

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-235)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-235) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

Senator **LUDWIG** for the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Facilitate Oil Spill Cleanup Operations" (Emergency)

S.P. 470 L.D. 1462

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-236)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-236) **READ** and **ADOPTED**.

Which was, under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended**.

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

On motion by Senator **ESTY** of Cumberland,
RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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:

Emergency

An Act to Establish Municipal Cost Components for
Unorganized Territory Services to be Rendered in
Fiscal Year 1993-94

H.P. 859 L.D. 1168
(S "A" S-237 to C
"A" H-310)

This being an Emergency Measure and having
received the affirmative vote of 26 Members of the
Senate, with 2 Senators having voted in the negative,
and 26 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:

RECALLED FROM ENGROSSING

Bill "An Act to Make Additional Appropriations
and Allocations and to Make Technical Corrections to
the Laws for the Fiscal Years Ending June 30, 1993
and June 30, 1994" (Governor's Bill) (Emergency)
S.P. 497 L.D. 1517

(In Senate, May 26, 1993, **PASSED TO BE
ENGROSSED.**)

(**RECALLED** from Engrossing, pursuant to Joint
Order S.P. 517.)

On motion by Senator **FOSTER** of Hancock, the
Senate **RECONSIDERED** its action whereby this Bill
was **PASSED TO BE ENGROSSED.**

On further motion by same Senator, Senate
Amendment "A" (S-229) **READ** and **ADOPTED.**

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

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

THE PRESIDENT: In reference to the action of
the Senate on May 27, 1993, whereby it **INSISTED** and
JOINED IN A COMMITTEE OF CONFERENCE on Bill "An Act
to Amend the Laws Governing Vending Machine Sales of
Cigarettes" (H.P. 1060) (L.D. 1428)

The Chair appointed as conferees on the part of
the Senate:

Senator **MARDEN** of Kennebec.
Senator **CONLEY** of Cumberland.
Senator **BALDACCI** of Penobscot.

The Secretary has so informed the Speaker of the
House.

Off Record Remarks

Senator **PEARSON** of Penobscot was granted
unanimous consent to address the Senate off the
Record.

On motion by Senator **BUSTIN** of Kennebec,
ADJOURNED until Friday, May 28, 1993, at 8:31 in
the morning.