

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
Friday
May 28, 1993

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

Prayer by the Honorable R. Leo Kieffer of Aroostook.

SENATOR R. LEO KIEFFER: Let us pray. Heavenly Father as we gather this weekend to honor the memories of our family members and friends that gave so much that we might be free, many of whom made the supreme sacrifice so that we might gather here today, in their honor give us the patience, the courage and the wisdom to govern this great State. As we enter the last days of the first session of the 116th Legislature give us the fortitude to make difficult decisions that will be a benefit to future generations. In your name we ask this. Amen.

Reading of the Journal of Thursday, May 27, 1993.

Out of order and under suspension of the Rules, on motion by Senator **BUSTIN** of Kennebec, the following Joint Order:

S.P. 520

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, June 1, 1993, at three o'clock in the afternoon.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

JOINT ORDER - relative to Joint Rule 13-B - Appointing Members to the Joint Select Committee on Rules

H.P. 1114

In House, May 21, 1993, **READ** and **PASSED**.

In Senate, May 21, 1993, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Senator **CARPENTER** of York moved to **RECEDE** and **CONCUR**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CARPENTER** of York that the Senate **RECEDE** and **CONCUR**.

Non-concurrent Matter

Bill "An Act to Facilitate Municipal Road Construction"

H.P. 144 L.D. 189
(H "A" H-422 to C
"A" H-299)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299) AS AMENDED BY HOUSE AMENDMENT "A" (H-422)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-299)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism" (Emergency)

H.P. 292 L.D. 379
(C "A" H-304)

In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304) AS AMENDED BY HOUSE AMENDMENT "A" (H-463)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections"

H.P. 443 L.D. 569

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-465)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees"

H.P. 613 L.D. 828
(C "A" H-242)

In Senate, May 13, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242) AS AMENDED BY HOUSE AMENDMENT "A" (H-476)** thereto, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.P. 518

116TH MAINE LEGISLATURE

May 27, 1993

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Walter E. Travis of Hampden for appointment and Elizabeth B. Noyce of Bremen for reappointment to the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and **REFERRED** to the Committee on **EDUCATION**.

Sent down for concurrence.

The Following Communication:

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

May 27, 1993

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

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes" (H.P. 1060) (L.D. 1428):

Representative ROWE of Portland
Representative ST. ONGE of Greene
Representative CAMERON of Rumford

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

The Following Communication:

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

May 27, 1993

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

S/Sen. Dale McCormick
Senate Chair

S/Rep. Edward L. Pineau
House Chair

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

Dear Madam Secretary:

House Paper 212, Legislative Document 274, AN ACT to Revise the Correctional Facility Board of Visitors Laws, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-seven voted in favor and sixty-one against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

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

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

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 170 An Act to Reduce Paperwork for Health Care
- L.D. 182 An Act to Implement the Recommendations of the Joint Select Committee to Study the Feasibility of a Statewide Health Insurance Program
- L.D. 1206 An Act to Provide More Affordable Health Insurance and Community Rating for Individuals

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

Sincerely,

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1065 An Act to Clarify the Laws Regarding Interior Design Services
- L.D. 1445 An Act Relative to the Licensing and Training of Hoisting Engineers

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

Sincerely,

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

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

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 839 An Act to Provide for the Efficient Delivery of Educational Services to Children with Special Needs

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

Sincerely,

S/Sen. John J. O'Dea Senate Chair S/Rep. Elizabeth H. Mitchell House Chair

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

The Following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES ONE HUNDRED AND SIXTEENTH LEGISLATURE

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1374 An Act Requiring the Department of Environmental Protection to Adopt Rules for a Waiver of Fee and a 2-Year Extension to Low-income People in Meeting Motor Vehicle Emission Standards

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

Sincerely,

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

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

The Following Communication:

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT ONE HUNDRED AND SIXTEENTH LEGISLATURE

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1392 An Act Fostering Advantageous Job Development

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

Sincerely,

S/Sen. Rochelle M. Pingree Senate Chair S/Rep. Rita B. Melendy House Chair

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

The Following Communication:

COMMITTEE ON HUMAN RESOURCES ONE HUNDRED AND SIXTEENTH LEGISLATURE

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1205 Resolve, to Establish the Commission to Examine Alternatives to Maine's Welfare System and to Make Recommendations Concerning Its Replacement

We have also notified the sponsors and cosponsors of

each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis
Senate Chair

S/Rep. Sharon Anglin Treat
House Chair

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

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1329 An Act to Deter Deliberate Polluters
- L.D. 1373 Resolve, Creating the Court Futures Implementation Commission
- L.D. 1473 An Act to Provide Statutory Procedures for Grievances against Attorneys BY REQUEST

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

Sincerely,

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

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

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 1200 An Act Concerning Unemployment Benefits for Certain School Employees

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

Sincerely,

S/Sen. James R. Handy
Senate Chair

S/Rep. Richard P. Ruhlin
House Chair

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

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 250 An Act to Amend the Campaign Finance Laws
- L.D. 878 An Act to Reduce the Influence of Money in Elective Politics
- L.D. 916 An Act Implementing Comprehensive Election Reform
- L.D. 1072 An Act to Reform Campaign Practices
- L.D. 1202 An Act Concerning the Tallying and Challenging of Absentee Votes
- L.D. 1226 An Act to Promote Enforcement of Laws Pertaining to Alcohol Use by Minors

- L.D. 1433 An Act to Provide for Public Finance in State Elections
- L.D. 1452 An Act Concerning the Subject Matter of Referenda

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

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

Sincerely,

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

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

The Following Communication:

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

May 27, 1993

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

The Following Communication:

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

May 27, 1993

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

Dear President Dutremble and Speaker Martin:

Dear President Dutremble and Speaker Martin:

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

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

- L.D. 608 An Act Regarding Legislative Ethics
- L.D. 668 An Act to Require Legislative Oversight of Agency Rulemaking
- L.D. 851 An Act Amending the Maine Administrative Procedure Act Regarding Rulemaking
- L.D. 943 An Act to Promote Fair Contract Bidding
- L.D. 989 An Act to Limit to 5 Years Certain State Contracts
- L.D. 1496 An Act to Encourage the Involvement of Volunteers in State Government

- L.D. 244 An Act to Establish a Sales Tax Exemption for Project Graduation Organizations
- L.D. 601 An Act to Increase the County Share of the Real Estate Transfer Tax
- L.D. 962 An Act to Establish a Job Creation and Retention Tax Credit
- L.D. 964 An Act to Allow Municipalities to Collect Service Charges on Certain Properties Exempt from Property Taxes
- L.D. 1190 An Act to Improve the Administration of the Poverty Abatement Process for Payment of Real Property Taxes
- L.D. 1253 An Act to Define Certain Municipal Service Charges or Payments in Lieu of Tax as Elements of Hospital Financial Requirements under the State of Maine Hospital Care Financing System
- L.D. 1271 An Act to Create the Tax-exempt Organization Sunshine Act of 1993
- L.D. 1288 An Act to Clarify the Responsibilities of Property Assessment Review Boards
- L.D. 1298 An Act Regarding Real Estate Tax Relief for Property Held in Trust
- L.D. 1301 An Act Concerning the Taxable Status of Leased School Property
- L.D. 1320 An Act Concerning the Requirement of Notification of Municipal Tax Liens to Mortgagees of Record

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

Sincerely,

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

- L.D. 1346 An Act to Encourage the Use of User Fees Regarding Municipal Solid Waste Disposal
- L.D. 1370 An Act to Establish an Alternate Elderly Low Cost Drug Program
- L.D. 1377 An Act to Create an Investment Tax Credit to Encourage New Capital Investments by Maine Businesses
- L.D. 1430 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Freeze the Property Taxes of Citizens Aged 65 and Older under Certain Circumstances
- L.D. 1440 Resolve, to Create the Committee to Establish a Tax Appellate System
- L.D. 1512 An Act to Authorize Optional County Sales Taxes on Certain Sales
- L.D. 1520 An Act Making Maine Income Tax a Set Percentage of the Federal Income Tax

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

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Promote Proper Animal Health Care and to Regulate the Purchase and Sale of Hypodermic Needles and Syringes"
H.P. 740 L.D. 998

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-449)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-462)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-449) **READ**.

Senate at Ease

Senate called to order by the President.

Committee Amendment "A" (H-449) **INDEFINITELY POSTPONED**, in concurrence.

House Amendment "A" (H-462) **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 **BANKING & INSURANCE** on Bill "An Act to Establish a Risk-sharing Mechanism for Small Group Health Insurance Plans"

H.P. 1092 L.D. 1470

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-464)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-464) **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 **BUSINESS LEGISLATION** on Bill "An Act to Restrict the Referral of Patients by a Physician to Certain Facilities in Which the Physician Has a Financial Interest"

H.P. 585 L.D. 789

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-467) **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 **BUSINESS LEGISLATION** on Bill "An Act Related to Suppliers of Compressed Air for Breathing"

H.P. 816 L.D. 1102

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-466)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-466)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-466) **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 **ENERGY & NATURAL RESOURCES** on Bill "An Act Concerning Fees Imposed by the Department of Environmental Protection Regarding Hazardous Waste"

H.P. 33 L.D. 36

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-461)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-461) **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 **ENERGY & NATURAL RESOURCES** on Bill "An Act to Grandfather Property under Certain Environmental Laws"

H.P. 307 L.D. 395

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-460)**.

Comes from the House with the Report **READ** and

ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-460)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-460) **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 **HOUSING & ECONOMIC DEVELOPMENT** on Resolve, to Direct the Economic Development and Business Assistance Coordinating Council to Develop a Statement of Principles and Standards for Sustainable Development (Emergency)

H.P. 616 L.D. 831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-470)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-470) **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 **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act Repealing Advisory Boards on Housing and Economic Development Matters"

H.P. 806 L.D. 1092

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-473)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-473) **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 **UTILITIES** on Bill "An Act to Amend the Charter of the Oxford Water District" (Emergency)

H.P. 1127 L.D. 1526

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-471).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-471).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-471) **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.

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

ENACTORS

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

An Act to Enact a New Article on Negotiable Instruments in and to Make Necessary Conforming Amendments to the Uniform Commercial Code
S.P. 129 L.D. 381
(C "A" S-191)

An Act to Further Discourage the Smoking of Cigarettes by Minors
H.P. 454 L.D. 580
(C "A" H-396)

An Act to Provide for Affordable Cooperative Housing in the State
H.P. 553 L.D. 749
(C "A" H-398)

An Act Relating to Activities Coordinators
S.P. 329 L.D. 1005
(C "A" S-194)

An Act to Amend the Maine Business Corporation Act
S.P. 381 L.D. 1137
(C "A" S-192)

An Act Regarding Child Molestation
S.P. 404 L.D. 1262
(C "A" S-193)

An Act to Maintain Confidentiality of Medical Information Reported to the Department of Human Services
H.P. 945 L.D. 1274

An Act to Amend the Laws Concerning Medicare Supplement Insurance
H.P. 1013 L.D. 1359
(C "A" H-413)

An Act to Establish Multidisciplinary Reviews of Child Abuse and Neglect Fatalities and Serious Injuries and to Provide Access to Confidential Information for the Multidisciplinary Reviews
H.P. 1031 L.D. 1383
(C "A" H-410)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1994
S.P. 464 L.D. 1456
(C "A" S-186)

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 Authorizing Presidential Preference Primary Elections in the State
H.P. 114 L.D. 156
(C "A" H-401)

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

An Act to Amend Maine's Unclaimed Property Act
S.P. 185 L.D. 621
(H "A" H-405 to C "A" S-132)

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

An Act to Expand the Definition of Escape
S.P. 248 L.D. 767
(C "A" S-197)

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

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

An Act to Authorize Special Property Tax Districts
H.P. 708 L.D. 959
(C "A" H-309)

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

An Act to Amend Certain Corporate Laws
S.P. 455 L.D. 1422

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

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

On further motion by same Senator, Senate Amendment "A" (S-200) **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.

Resolve

Resolve, Creating the Maine State 175th Anniversary Commemoration Commission
H.P. 877 L.D. 1191
(C "A" H-404)

Resolve, Authorizing the Conveyance of Certain Camp Lease Lots on Public Lands, the Exchange of Certain Rights-of-way for Fee Simple Interest in Land, the Conveyance of Certain Timber and Grass Rights through Release Deeds and the Extension of a Road Construction Use Permit Right-of-way for a Period of 99 Years (Governor's Bill)
S.P. 495 L.D. 1515
(C "A" S-199)

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

Resolve, to Establish the Academy for Public Service Study Committee
H.P. 874 L.D. 1188
(C "A" H-362)

Mandate

An Act to Ensure Equitable Treatment of Manufactured Home Owners
H.P. 309 L.D. 397
(C "A" H-397)

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 30 Members of the Senate, with No Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Mandate

An Act to Encourage the Implementation of the Solid Waste Management Hierarchy
H.P. 525 L.D. 709
(H "A" H-420 to C "A" H-297)

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 30 Members of the Senate, with No Senators having voted in the negative, and 30 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 Provisions of the Maine Human Rights Act Consistent with Federal Law
S.P. 235 L.D. 728
(C "A" S-195)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 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 Natural Resources Protection Laws

H.P. 936 L.D. 1259
(C "A" H-412)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative, and 30 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 Professional Surveyors Licensing Requirements

S.P. 462 L.D. 1454
(C "A" S-201)

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

Emergency

An Act to Increase Tourism Visits and Tourism Revenues for the State (Governor's Bill)

S.P. 480 L.D. 1478
(C "A" S-198)

Senator **HARRIMAN** of Cumberland moved to Table 1 Legislative Day, pending **ENACTMENT**.

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

Emergency Resolve

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals

H.P. 513 L.D. 671
(C "A" H-355)

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

Emergency Resolve

Resolve, to Create the Healthy Start Task Force

H.P. 1049 L.D. 1401
(C "A" H-409)

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.

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

ORDERS

Joint Order

On motion by Senator **VOSE** of Washington the following Joint Order:

S.P. 521

ORDERED, the House concurring, that Bill, "An Act to Amend the Laws Governing the Conversion of Fuel Systems" H.P. 284, L.D. 371, 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.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **LUTHER** for the Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Update and Clarify Certain Provisions of Fish and Wildlife Laws"

S.P. 243 L.D. 736

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-239)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-239) **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.

(In Senate, May 27, 1993, **INSISTED.** Subsequently, **RECONSIDERED.**)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by same Senator to **INSIST.**

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:

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act 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)**

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

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

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

Pending - **FURTHER CONSIDERATION**

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

Pending - **FURTHER CONSIDERATION**

(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 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.**)

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

(In House, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-303) AS AMENDED BY HOUSE AMENDMENT "A" (H-458)** thereto, in **NON-CONCURRENCE.**)

(In House, May 26, 1993, that Body **INSISTED.**)

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

Senator **CARPENTER** of York moved that the Senate **ADHERE.**

Senator **HANDY** of Androscoggin moved that the Senate **RECEDE** and **CONCUR.**

The Chair ordered a Division.

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

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

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)

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin to **RECEDE** and **CONCUR.**

A vote of Yes will be in favor of the motion to **RECEDE** and **CONCUR.**

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

A vote of No will be opposed.

Pending - Motion by Same Senator to **INSIST**

Is the Senate ready for the question?

(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.**)

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

(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.**)

ROLL CALL

YEAS: Senators BRANNIGAN, BUSTIN, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, TITCOMB, VOSE

NAYS: Senators AMERO, BEGLEY, BERUBE, BUTLAND, CAREY, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, PARADIS, PEARSON, SUMMERS, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators BALDACCI, CAHILL, MARDEN, PINGREE

12 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 4 Senators being absent, the motion of Senator HANDY of Androscoggin, to RECEDE and CONCUR, FAILED.

On motion by Senator CARPENTER of York, the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

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 27, 1993, by Senator ESTY of Cumberland.

Pending - ENACTMENT

(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.)

On motion by Senator BUSTIN of Kennebec, Tabled until Later in Today's Session, pending ENACTMENT.

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 27, 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 BUSTIN of Kennebec, Tabled until Later in Today's Session, pending PASSAGE TO BE ENGROSSED AS AMENDED, in concurrence.

Off Record Remarks

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

Off Record Remarks

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 27, 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 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 27, 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 until Later in Today's Session, pending **ACCEPTANCE** of Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

Off Record Remarks

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.

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

On motion by Senator **HANLEY** of Oxford, **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:

JOINT ORDER - relative to Joint Rule 13-B - Appointing Members to the Joint Select Committee on Rules

H.P. 1114

Tabled - May 28, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CARPENTER** of York to **RECEDE** and **CONCUR**

(In House, May 21, 1993, **READ** and **PASSED**.)

(In Senate, May 21, 1993 **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, May 27, 1993, that Body **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.)

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

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a change in the Joint Rules. I think that it should have gone to and should be referred to the Rules Committee. We are currently meeting, we will meet during the summer and fall. If this is an appropriate thing to do it is appropriate to have it in January and have the Rules Committee come out, as any other Committee would come out, on that. I would hope that you would vote against the pending motion and move to have this referred to the Joint Select Committee on Rules. Thank you.

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

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge you to defeat this motion so that we can then send this to the Rules Committee which is a process that we set up to deal with these kinds of issues, to discuss and to deliberate and not to pass these kinds of issues on the floor without proper consideration. I would urge you to defeat this motion and then use the process that we have established and send it to the Rules Committee for consideration. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I just don't know what is going on here and I would like to know. I don't understand what is happening, maybe I am the only one that doesn't. 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. To respond to the good Senator from Penobscot, Senator Pearson, my understanding of what this Rule change would do, it would allow both parties to make determinations as far as who would sit on the Rules and Ethics Committee and also the Election Committee, as far as to give those parties a control on that process. Since you do have people on these very sensitive Committees representing the Majority and the Minority party as proposed by leadership. 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. Isn't that the case now, that members of both parties are on Committee?

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. That is correct, the aspect of this Rule change, though, it would allow the Minority leader and the Majority leader to make those appointments to those specific Committees, not the presiding officers. 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. May I pose a question through the Chair? Did I understand that the Rules Committee are meeting through the summer?

THE PRESIDENT: The Senator from Hancock, Senator Foster, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator **BUSTIN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Yes, that is the time when we would have to do it. We will have to get approval from the Legislative Council in order to do that but in order to get the job done on concept drafting, and on a lot of things that are down there, we have to do that. That has always been the plan from the beginning when we put this in place because of those big items that needed to have adequate discussion and there is too much going on with the budget in the Appropriations Committee and all of the other Committees that were going for us to handle that now. Thank you.

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

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I really am concerned about Legislative Committees working through the summer. We have an Audit Committee that works through the summer and now a Rules Committee that will be working through the summer. The fiscal note on these two Committees gets pretty high and I really think that that is something that needs to be looked at and I would like to state that. 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 generally defer to the Rules Committee. I think we have a very unique situation here in this specific change though. This chamber, having come from the other body, this chamber is much more cooperative, more of a spirit of harmony and we have more of a sense of fair play. I think what this Rule change have done, and by the actions of the other body that they would like the opportunity to kind of get their house in order as it were, I don't think we, as the upper chamber, should stifle that. They are trying to send a message now, not have it waylaid. I think that we should reciprocate and defer in this instance. 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. I just want to

clarify that this Joint Order is only referring to the Rules Committee, not any other Committees. 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. This Order may only refer to the Rules Committee, but it changes entirely the way that we name members to Committees. I'm not going to get involved in a discussion about whether Committees should be meeting in the summer or they shouldn't be. That is something that will be approved or disapproved by the Council. I'm not going to get involved in what the other body does as to what this body does. What I am saying to you is that you have the Committee, all Bills, unless there is an overriding reason why not, get referred to those Committees. This Bill has not been referred to this Committee and as the Senate Chair of that Committee I request that referral as a courtesy. Thank you.

Senator **BUSTIN** of Kennebec requested and received Leave of the Senate to withdraw her request for a Roll Call.

Senator **BUSTIN** of Kennebec requested a Division.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **CARPENTER** of York, to **RECEDE** and **CONCUR**.

A Division has been requested.

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

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

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

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

Senator **CARPENTER** of York requested a Division.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would expect that this Chamber would unanimously support receding from Indefinite Postponement if there were people who were concerned that this Joint Order was to Indefinitely Postpone. 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. I thought he made the motion of Indefinite Postponement. I don't recall one being made previously. Was there? Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Is there still a

Division pending upon our Receding from our previous position?

THE PRESIDENT: The Chair would answer in the affirmative. The Chair recognizes the Senator from Cumberland, Senator, Senator Esty.

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge that we support Receding so that we may then refer this to the Committee on Rules. Thank you.

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

A Division has been requested.

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

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

31 Senators having voted in the affirmative and No Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland to **RECEDE**, **PREVAILED**.

On further motion by same Senator, **REFERRED** to the Joint Select Committee on **RULES** 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:

Bill "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism" (Emergency)
H.P. 292 L.D. 379
(C "A" H-304)

Tabled - May 28, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304)**, in concurrence.)

(In House, May 27, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-304) AS AMENDED BY HOUSE AMENDMENT "A" (H-463)** thereto, in **NON-CONCURRENCE**.)

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

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

An Act Authorizing Presidential Preference Primary Elections in the State
H.P. 114 L.D. 156
(C "A" H-401)

Tabled - May 28, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-401)**, in concurrence.)

(In House, May 27, 1993, **PASSED TO BE ENACTED**.)

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

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

An Act to Increase Tourism Visits and Tourism Revenues for the State (Governor's Bill)
S.P. 480 L.D. 1478
(C "A" S-198)

Tabled - May 28, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198)**.)

(In House, May 27, 1993, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the Tabled and Later 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 28, 1993, by Senator **BUSTIN** of Kennebec.

Pending - **ENACTMENT**

(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**.)

On motion by Senator **HANDY** of Androscoggin, 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" (S-92).

On further motion by same Senator, Senate Amendment "B" (S-240) to Committee Amendment "A" (S-92) **READ**.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I wonder if someone could explain this amendment a little bit before we vote on it.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This clarifies the language that an employee's occupational disease is compensable only with respect to medical expenses. Lost time is not compensable, it is limited to medical expenses only. Thank you.

On motion by Senator **HANDY** of Androscoggin, Senate Amendment "B" (S-240) to Committee Amendment "A" (S-92) **ADOPTED**.

Committee Amendment "A" (S-92) As Amended by Senate Amendment "B" (S-240) 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.

Off Record Remarks

The Chair laid before the Senate the Tabled and Later 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 28, 1993, by Senator **BUSTIN** of Kennebec.

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 Later 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 28, 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**.

Off Record Remarks

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

Off Record Remarks

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

The **ADJOURNMENT ORDER** having been returned from the House **READ** and **PASSED**, in concurrence, on motion by Senator **CLEVELAND** of Androscoggin, **ADJOURNED** until Tuesday, June 1, 1993, at 3:00 in the afternoon.