

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
Tuesday
June 1, 1993

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

Prayer by the Honorable Judy A. Paradis of Aroostook.

SENATOR JUDY A. PARADIS: Dear God, go before us today as we do the people's work. Open our hearts and minds to your wonder and to the wonder of the people we represent. Soyez avec nous seigneur pendant notre travail pour les gens. Amen.

Reading of the Journal of Friday, May 28, 1993.

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

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

In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AND HOUSE AMENDMENT "A" (H-328)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-301) AS AMENDED BY HOUSE AMENDMENT "A" (H-477)** thereto, **AND HOUSE AMENDMENT "A" (H-328)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Provide Immunity for Private Physicians in Public Hospitals"

S.P. 266 L.D. 803
(C "A" S-196)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196) AND HOUSE AMENDMENT "A" (H-480)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System"

H.P. 871 L.D. 1180
(C "A" H-368)

In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368) AS AMENDED BY HOUSE AMENDMENT "A" (H-469)** 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 Amend the Laws Related to Concealed Weapon Permits"

H.P. 951 L.D. 1280
(C "A" H-402)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402) AS AMENDED BY HOUSE AMENDMENT "A" (H-479)** thereto, in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication:

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

May 28, 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 Establish a Full Employment Program as a Pilot Project in Certain Counties of the State" (S.P. 212) (L.D. 683):

Representative RUHLIN of Brewer
Representative GEAN of Alfred
Representative STROUT of Corinth

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

The Following Communication:

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

May 25, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Thomas E. Humphrey of Sanford, for appointment as a Judge-at-Large of the Maine District Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Conley of Cumberland, Hanley of Oxford

Rep. 8 Cote of Auburn, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Saxl of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

NAYS: 0

ABSENT: 3 Sen. Berube of Androscoggin, Rep. Farnsworth of Hallowell, Rep. Faircloth of Bangor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Thomas E. Humphrey of Sanford, for appointment as a Judge-at-Large of the Maine District Court be confirmed.

Signed:

S/Gerard P. Conley, Jr.
Senate Chair

S/Constance D. Cote
House Chair

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

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

The Following Communication:

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

May 25, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of William R. Anderson of Morrill, for appointment as a Judge-at-Large of the Maine District Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Conley of Cumberland, Hanley of Oxford

Rep. 8 Cote of Auburn, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Ott of York, Lipman of Augusta, Plowman of Hampden

NAYS: 0
 ABSENT: 3 Sen. Berube of Androscoggin,
 Rep. Farnsworth of Hallowell,
 Rep. Saxl of Bangor

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of William R. Anderson of Morrill, for appointment as a Judge-at-Large of the Maine District Court be confirmed.

Signed:

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

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

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

The Following Communication:

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

May 25, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Robert E. Crowley of Kennebunk, for appointment as a Justice of the Maine Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Conley of Cumberland, Hanley of Oxford
 Rep. 8 Cote of Auburn, Cathcart of Orono, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Ott of York, Saxl of Bangor, Plowman of Hampden
 NAYS: 0
 ABSENT: 3 Sen. Berube of Androscoggin,
 Rep. Farnsworth of Hallowell,
 Rep. Lipman of Augusta

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Robert E. Crowley of Kennebunk, for appointment as a Justice of the Maine Superior Court be confirmed.

Signed:

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

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

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

The Following Communication:

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

May 25, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Stephen L. Perkins of Windham, for appointment as a Active Retired Justice of the Superior Court.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 2 Conley of Cumberland, Hanley of Oxford
 Rep. 8 Cote of Auburn, Lipman of Augusta, Ketterer of Madison, Caron of Biddeford, Faircloth of Bangor, Ott of York, Saxl of Bangor, Plowman of Hampden
 NAYS: 0
 ABSENT: 3 Sen. Berube of Androscoggin,
 Rep. Farnsworth of Hallowell,
 Rep. Cathcart of Orono

Ten members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Stephen L. Perkins of Windham, for appointment as a Active Retired Justice of the Superior Court be confirmed.

Signed:

S/Gerard P. Conley, Jr.
Senate Chair

S/Constance D. Cote
House Chair

Comes from the House with the Conference Report
READ and **ACCEPTED**.

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

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

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

ORDERS

Joint Order

On motion by Senator **DUTREMBLE** of York the
following Joint Order:

S.P. 522

ORDERED, the House concurring, that the Joint
Standing Committee on Housing and Economic
Development report out a bill entitled "An Act to
Implement Certain Recommendations of the Economic
Growth Council."

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on
RESOLUTION, Proposing an Amendment to the
Constitution of Maine to Require a 2/3 Affirmative
Vote of the Entire Elected Membership of the
Legislature to Increase State Income or Sales Tax
H.P. 1019 L.D. 1365

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

Signed:

Senators:

BALDACCI of Penobscot
CAREY of Kennebec

Representatives:

DORE of Auburn
NADEAU of Saco
TARDY of Palmyra
DIPIETRO of South Portland
RAND of Portland
HOGLUND of Portland
FARNSWORTH of Hallowell

The Minority of the same Committee on the same
subject reported that the same **Ought to Pass** as
Amended by Committee Amendment "A" (H-474).

Signed:

Senator:

SUMMERS of Cumberland

Representatives:

MURPHY of Berwick
SIMONEAU of Thomaston
SPEAR of Nobleboro

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.

COMMITTEE REPORTS

House

Committee of Conference

The **Committee of Conference** on the disagreeing
action between the two branches of the Legislature,
on Bill "An Act Regarding Family Leave"

H.P. 318 L.D. 406

Have had the same under consideration and ask
leave to report that they are **Unable to Agree**.

Signed on the part of the House:

Representative OLIVER of Portland
Representative KONTOS of Windham
Representative LIBBY of Buxton

Signed on the part of the Senate:

Senator CIANCHETTE of Somerset
Senator CAREY of Kennebec
Senator BEGLEY of Lincoln

RECALLED FROM ENROSSING

Bill "An Act to Amend the Laws Governing the
Conversion of Fuel Systems"

H.P. 284 L.D. 371
(C "A" H-348)

(In Senate, May 27, 1993, **PASSED TO BE ENROSSED
AS AMENDED**, in concurrence.)

(RECALLED from Engrossing, pursuant to Joint Order S.P. 521.)

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

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

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-348), in concurrence.

On further motion by same Senator, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-348), in concurrence.

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **TAXATION** on Bill "An Act to Facilitate the Assessment and Collection of Municipal Property Taxes" S.P. 402 L.D. 1233

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-242).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-242) **READ** and **ADOPTED.**

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

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Increase Fees Charged by Municipal Clerks for Services" S.P. 398 L.D. 1229

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

Signed:

Senators:
BERUBE of Androscoggin
ESTY of Cumberland

Representatives:
JOSEPH of Waterville
GRAY of Sedgwick
BENNETT of Norway
YOUNG of Limestone
DUTREMBLE of Biddeford

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

Signed:

Senator:
BUTLAND of Cumberland

Representatives:
WALKER of Blue Hill
LOOK of Jonesboro
ROWE of Portland
AHEARNE of Madawaska
KILKELLY of Wiscasset

Which Reports were **READ.**

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

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

COMMUNICATIONS

The Following Communication:

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333**

May 28, 1993

The Honorable Members of the 116th Legislature:

I am returning, without my signature or approval, S.P. 155, L.D. 486 "An Act Concerning the Mandatory Use of Seat Belts."

As Governor, I have always advocated for the use of seat belts by all motorists, because seat belts prevent motor accidents and, in certain accidents, reduce the severity of injury or the likelihood that a fatality will occur. I have always opposed, however, legislating the mandatory use of seat belts for all Maine citizens. This legislation crosses the line between public interest and personal choice. And one might ask why not prohibit citizens from

smoking or drinking since both personal behaviors result in significant health costs.

As many members know, I supported the legislative efforts to better educate the public on the value of wearing seat belts, as well as the legislation requiring use of seat belts by citizens under the age of 19. There is a distinction, however, between taking affirmative action to protect minors, whose care can arguably be the responsibility of the State, and taking intrusive action to restrict the choice of adults, who maintain responsibility for their decisions.

Moreover, as Maine children, who are required to wear seat belts, maintain the habit of using a seat belt as adults, and as more parents "buckle up" as an example for their children who are required to do so, I believe over time we will see belt use increase in Maine to a level equal to what we could attain with a mandatory law.

I have long supported increased education regarding the health and safety benefits of seat belts as well. The experience of our New England neighbors demonstrates that a seat belt education program can result in higher usage rates without a legal mandate. Fifty-two percent of New Hampshire motorists use seat belts, which is comparable to the usage rates in states with a secondary offense law such as that presented in L.D. 486. In Massachusetts, another neighboring state without a mandatory seat belt law, motor vehicle fatalities are on the decline, dropping from 637 in 1989 to 546 in 1990 and 510 in 1991.

For these reasons I cannot support this legislation and I urge you to vote to sustain my veto.

Sincerely,

S/John R. McKernan, Jr.
Governor

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

The Accompanying Bill:

An Act Concerning the Mandatory Use of Car Safety Seat Belts

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act Regarding Appeal Periods in District Court Civil Cases" (Emergency)

S.P. 312 L.D. 945

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-244)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-244) **READ** and **ADOPTED**.

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

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

Senator **CAREY** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Operation of Agency Liquor Stores" (Governor's Bill) (Emergency) S.P. 157 L.D. 488

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-243)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-243) **READ** and **ADOPTED**.

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

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

ORDERS OF THE DAY

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

NOMINATION - of Thomas E. Humphrey of Sanford for appointment as Judge-at-Large of the Maine District Court.

Tabled - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, June 1, 1993, Communication from the Committee on **JUDICIARY** **READ** and **ORDERED PLACED ON FILE**.)

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 wanted to take this opportunity to tell you a little bit more about Tom Humphrey, who happens to be a good personal

friend of mine, also a very good citizen of the State of Maine, and a superior citizen of Sanford, Maine. He's joined in every civic organization, fund raiser, no matter what it is Tom Humphrey is always there to lend support. He does youth soccer games, he is a member of the Sanford Springvale Rotary Club, at least he was, I understand that he might have resigned last Friday because he was afraid a lot of the Rotarians might be coming before him in his court of law, so he will be sorely missed at the local Rotary meetings. He is the type of person that, even though he is not a native Mainer, he certainly would be a real asset to the State of Maine as a native Mainer. At this time I urge you to vote No and confirm him as a Judge. Thank you.

Off Record Remarks

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

NOMINATION - of William R. Anderson of Morrill for appointment as Judge-at-Large of the Maine District Court.

Tabled - June 1, 1993, by Senator ESTY of Cumberland.

Pending - CONSIDERATION

(In Senate, June 1, 1993, Communication from the Committee on **JUDICIARY READ** and **ORDERED PLACED ON FILE.**)

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of William R. Anderson of Morrill be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

EXCUSED: Senator CAREY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Thomas E. Humphrey of Sanford be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The President noted the absence of Senator CAREY of Kennebec, and excused him from today's Roll Call votes.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

EXCUSED: Senator CAREY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Thomas E. Humphrey, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Committee's recommendation be **ACCEPTED** and the nomination of William R. Anderson, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

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

NOMINATION - of Robert E. Crowley of Kennebunk for appointment as a Justice of the Maine Superior Court.

Tabled - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, June 1, 1993, Communication from the Committee on **JUDICIARY READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Robert E. Crowley of Kennebunk be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

EXCUSED: Senator CAREY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Robert E. Crowley, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

NOMINATION - of Stephen L. Perkins of Windham for appointment as an Active Retired Justice of the Superior Court.

Tabled - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **CONSIDERATION**

(In Senate, June 1, 1993, Communication from the Committee on **JUDICIARY READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Joint Standing Committee on Judiciary has recommended the nomination of Stephen L. Perkins of Windham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Judiciary be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

EXCUSED: Senator CAREY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Stephen L. Perkins, was **CONFIRMED**.

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 **TAXATION** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Affirmative Vote of the Entire Elected Membership of the Legislature to Increase State Income or Sales Tax
H.P. 1019 L.D. 1365

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-474)**

Tabled - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 1, 1993, Reports **READ**.)

(In House, May 28, 1993, the Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **SUMMERS** of Cumberland moved that the Senate **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

Senator **BALDACCI:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that you would vote against the motion and move to support the Majority Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **SUMMERS** of Cumberland, to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** 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.

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion of Senator **SUMMERS** of Cumberland, to **ACCEPT** the Minority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **FAILED**.

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

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

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Increase Fees Charged by Municipal Clerks for Services"
S.P. 398 L.D. 1229

Majority - **Ought Not to Pass**

Minority - **Ought to Pass**

Tabled - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT NOT TO PASS** Report.

(In Senate, June 1, 1993, Reports **READ**.)

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It's a pretty straight forward proposal here. Essentially we are talking about increasing the fees charged by the Municipal Clerks, the last time that their fees were increased was in 1985 and we had a great deal of testimony from many clerks throughout the State of Maine who listed, step by step, what they have to do to earn these fees. Many of the fees are very outdated. The Clerks outlined to us in great detail. In my particular case, I spoke to a clerk in Cumberland and also in Windham, in particular dealing with the marriage licenses. The Town Clerk in Cumberland does between 60 and 80 a year, between one third and one fourth of those are for out of staters. Many of the out of stater licenses that she issues are for people who are going to be married on Chebeague Island, which usually necessitates her going down to the Town Hall on a Saturday, if there is any coordination that needs to be done, it normally means an out-of-state, long distance phone call. The Town Clerk in Windham has the responsibility for issuing marriage licenses for people who are incarcerated in the Windham Correctional Center and she listed a whole laundry list of issues that she gets involved with in doing that. I would be the last one to stand up here and ask that we increase any fee if I didn't think it was absolutely necessary and I hope that you will vote against the pending motion so that we can go on to accept the Ought to Pass report. If you look at the Ought to Pass Report you will note that it has very strong bipartisan support. 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. You just heard that fees would be increased, that is correct, but you did not hear by how much. It would be a 100% increase on each and every fee. A marriage license

would double from \$5 to \$10, the copies would go to \$10 for birth and burial and on and on. All of the fees would be doubled. If you feel that the people of our State can have a 100% increase on paying fees with the upcoming taxes that will be coming down the pike from the capitol of our country, taxes that will probably be increased coming down from the capitol of this State, I think that adding more burden to the people is not fair. I hope you support the motion for Ought Not to Pass. Thank you.

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

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.

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair to the Senator from Cumberland, Senator Butland. I noticed that the fee for marriage is going up from \$5 to \$10, is there a provision in this that requires each one of them to pay equally? Thank you.

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

Which was, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

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

ORDERS OF THE DAY

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

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

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

Pending - **ENACTMENT**

(In Senate, May 20, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-309)**, in concurrence.)

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

On motion by Senator **BALDACCI** of Penobscot, Bill and Accompanying Papers **RECOMMENDED** to the Committee on **TAXATION** 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:

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)

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

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

(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**.)

(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**.)

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

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

Sent down for concurrence.

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

Bill "An Act 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 28, 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:

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 until Later in Today's Session, pending **FURTHER CONSIDERATION**.

The Chair laid before the Senate the Tabled and 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**.)

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question. Perhaps a member of the Legal Affairs Committee could enlighten this body as to whether or not there is a fiscal note attached to this Bill.

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

Senator **HANDY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm please to answer the Senator from Cumberland's question. The cost would be borne by the political parties and would be at the discretion of the political parties to hold the Presidential Primary. 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'm aware of the fact that this Bill is a unanimous Report out of the Legal Affairs Committee, however I feel, having served on that Committee in the 115th Legislature, and voting against this legislation, I feel compelled to speak today. I would hope that the members of this body would join me in voting against this legislation. I feel that the caucus system has worked very well in this State for quite a number of years and I see no compelling reason for us to be changing our position on this. I also feel that by melding the State of Maine into a Super Primary, as this legislation reports to do, would lose some identity for the State of Maine. From my point of view there really is no compelling reason to make any changes at this point and I really do question the possibility of a fiscal note on this legislation, and in fact it could become a mandate situation. For that reason, Mr. President, I move the Indefinite Postponement of this Bill and all of its accompanying papers. Thank you.

Senator **SUMMERS** of Cumberland moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **SUMMERS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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

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)

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 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 **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 until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, 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 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)**.)

Senate at Ease

Senate called to order by the President.

The Chair requested and received Leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**.

On motion by Senator **BUTLAND** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-382) **READ**.

On motion by Senator **BUTLAND** of Cumberland, Senate Amendment "C" (S-241) to Committee Amendment "A" (H-382) **READ** and **ADOPTED**.

Committee Amendment "A" (H-382) As Amended by Senate Amendment "C" (S-241) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Clarify the Laws Governing HIV Testing of Sexual Offenders"
H.P. 1143 L.D. 1543

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **HARRIMAN** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Establish a Capital Access Program"

S.P. 469 L.D. 1461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-245)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-245) **READ** and **ADOPTED**.

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

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

Off Record Remarks

Senator **BALDACCI** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **BALDACCI**: Thank you Mr. President, Ladies and Gentlemen of the Senate. There has been a lot of discussion lately about taxes and different types of taxes and, not to burden the Senate with it at this time, but a letter is being drafted and the Committee has voted today, and I just wanted the Senate to be aware of it, and I was thinking to myself rather to hear it directly than to read it in a letter form or that fashion, we were told today about the number of different Committees that are working on different tax issues, whether it is Legal Affairs with \$4 a head tax on people to have for campaign financing or this tax check off or this particular program, or whatever else. Finally, between that and all the other discussion on taxes and the work that we have done we have just basically gotten one big headache. The issue is that an awful lot has been talked about taxes but not an awful lot has been talked about cutting and it was the unanimous vote of the Taxation Committee that the Taxation Committee Tax Shop was closed temporarily until there was more cutting going on at the Appropriations Committee. It was a unanimous vote and I wanted the Senate to be aware of it, we have drafted a letter to the Appropriations Committee, but I think it is a responsible thing to do in the instance of trying to get out of here, trying to get things done and it was a unanimous vote. We are not going to be meeting with the Appropriations Committee until we have seen evidence of more cuts coming from the Appropriations Committee and the others. Thank you.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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:

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H.P. 1144

JOINT RESOLUTION MEMORIALIZING THE UNITED STATES POSTAL SERVICE TO ADDRESS THE CLOSURE OF THE UNITED STATES POST OFFICE IN THE VILLAGE OF ST. GEORGE

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the United States Postal Service, as follows:

WHEREAS, the people of the Village of St. George, Maine, had enjoyed the convenience of a post office for more than 160 years; and

WHEREAS, the people of the Village of St. George had been assured by authorities of the United States Postal Service that the post office would not be closed before a public hearing was held and serious consideration given to the sentiments and needs of the people; and

WHEREAS, authorities of the United States Postal Service made the decision to close the St. George Post Office and, feigning an emergency, did indeed shut the door of that office without a public hearing and with less than a week's notice to postal customers; and

WHEREAS, any opinions of the people, expressed at a hearing that may occur after the decision has already been made and the closing accomplished, are rendered ineffective; and

WHEREAS, such an arbitrary and irregular act on the part of the Postal Service puts the creditability and integrity of the United States Government into disrepute; and

WHEREAS, such abuse of authority by one level of government is imputed, in the public mind, to all levels of government, thus eroding respect for all governing bodies and public officials; and

WHEREAS, people of the Village of St. George have no recourse save through the collective voice of the people's representatives here assembled; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge that any act by a governmental body be carried out according to procedures established to ensure that the voices of the people be heard and their wishes respected; and be it further

RESOLVED: That We further remonstrate against the arbitrary action of the United States Postal Service in closing the door of the St. George Post Office without considering the opinions and needs of the people of that place; and be it further

RESOLVED: That We further urge the responsible authorities to rectify this injustice; and be it

further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the United States Postal Authorities in Maine, the Postmaster General of the United States and to each Member of the Maine Congressional Delegation.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **BRANNIGAN** for the Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Establish the Regional Revolving Loan Fund"

S.P. 357 L.D. 1071

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-246)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-246) **READ** and **ADOPTED**.

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

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

House

Ought to Pass As Amended

The Committee on **LABOR** on Bill "An Act to Amend the Child Labor Laws"

H.P. 822 L.D. 1108

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-484)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-484) **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 **STATE & LOCAL GOVERNMENT** on Bill "An Act Repealing Advisory Boards on State and Local Government Matters"

H.P. 810 L.D. 1096

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-483)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-483) **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 **STATE & LOCAL GOVERNMENT** on Bill "An Act to Establish the Penobscot County Budget Advisory Committee"

H.P. 1050 L.D. 1402

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-482)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-482)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-482) **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 Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers"
H.P. 934 L.D. 1257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-485)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-485) **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.

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AUDIT & PROGRAM REVIEW** on Bill "An Act to Increase the Revenues of the Board of Examiners of Podiatrists" (Emergency)
H.P. 1125 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-490)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-490)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-490) **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 to Promote Long-term Economic Growth"
H.P. 1088 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-494)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-494) **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 Amend the Sexual Assault Laws"
H.P. 823 L.D. 1109

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-486)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-486)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-486) **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 Create the Maine Criminal Justice Information System"
H.P. 851 L.D. 1156

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-488)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-488) **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 Bill "An Act to Improve Local Control over Liquor Licensing" H.P. 589 L.D. 793

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-487)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-487) **READ**.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending **ADOPTION** of Committee Amendment "A" (H-487), in concurrence.

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing the Knox County Budget Committee" H.P. 1075 L.D. 1441

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-492)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-492) **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.

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Modify the Fuel Clause for Electric Utilities" H.P. 603 L.D. 818

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-472)**.

Signed:

Senators:

VOSE of Washington
CLEVELAND of Androscoggin

Representatives:

CLARK of Millinocket
AIKMAN of Poland
CASHMAN of Old Town
HOLT of Bath
KONTOS of Windham
TAYLOR of Cumberland
DONNELLY of Presque Isle
ADAMS of Portland

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

Signed:

Senator:

CARPENTER of York

Representative:

MORRISON of Bangor

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**.

Which Reports were **READ**.

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

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I urge you to vote Ought Not to Pass on L.D. 818. My reasons are the Governor sent a letter to the Utilities Committee, asking them to hold over L.D. 818. The Office had several concerns, first, this is a dramatic change to the existing method of determining rates, because it is such a fundamental change the Governor thought it would be appropriate for the new Chairman of the PUC to be involved in the future planning of the Public Utilities Commission. The Committee voted to ignore this request. The Governor

was briefed by the Director of the State Planning Office of the potential that utilities in Maine would be suffering a downgrading in their bond rating should the fuel clause be removed. The Director of State Planning, Steve Adams, advised the Governor that this was a serious threat to Maine utilities. The end result would be a rate increase because of the increase, in interest, to pay the debt on these bonds.

Maine's economy is too fragile to take such a risk at this time. Rates are too high now to ask Maine rate payers to incur an additional cost because of the downgrading in the utility bond rating. I urge you to vote against the Committee Report. 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 did, in fact, have a long work session on this particular Bill and it is quite true what the good Senator from York, Senator Carpenter, did say about the letter. However, the Commissioner has assured me, in fact three times he has assured the Committee, that they would do nothing, I repeat nothing, to jeopardize the financial integrity of the utilities. Upon that assurance I felt that I could go ahead and vote for the Bill. The fuel clause law as it now stands allows the price of fuel, that is electricity that they buy, to be immediately given, the returns, to the utilities for the money spent. Once again, I was assured that they would not do anything to jeopardize that and I felt very strongly that we do confirm them and go through a very rigorous confirmation so we trust what they want to do. The reason why you didn't want to get rid of the fuel clause itself was because the price of oil has stabilized and it is not necessary to keep making the adjustment as such, so therefore, based upon that I hope that you will support 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. This Bill simply allows the Public Utilities Commission the discretion, it doesn't require that the fuel adjustment clause be eliminated, it only allows them to review it and to discontinue its use or modify its use if they feel it is appropriate and in the best interest of the rate payers and that they can deal with the fuel issue in other ways. As Senator Vose has said, the Public Utilities Commissioners, both of them that are there at the time, have explicitly said that they will do it in a way that is sensitive to the needs of the utilities and sensitive to the bond rating issues that they raised.

Let me remind you, for a moment, that when the fuel adjustment clause went into existence, it didn't previously exist, it was during the 1970's when we were having the oil embargoes and other problems and we were 40% to 50% reliant on petroleum for the production of our electricity and the cost was escalating and very volatile. This clause was put in to assist with that situation, it no longer exists whatsoever. Fuel consumption is only about 12% for petroleum and we have seen a stability. The Committee, in itself, was very sensitive and concerned with the impact on bond ratings and what we asked, when that question was raised during the hearings, and, as a matter of fact, held the Bill up

so that the utilities would have further opportunities to present testimony, to come to us either with a representative of a bonding institution or with a letter that would indicate that those were the concerns supported by the bond rating institution, so that we could see those. When they came back to us, what we got was a copy of a magazine article saying that bond rating folks like it when there are guarantees of income and are a little bit more concerned when there are no guarantees, well that's natural. We tried to have evidence introduced and would have acted on it had it been introduced, but they failed when given an opportunity on more than one occasion to do it. Even when we were brought back to the Committee for reconsideration a second time. This Bill, in addition to being supported by the Public Utilities Commissioners, are also supported by the Public Advocate and I would remind you that the third member of the Public Utilities Commission, who we just recently confirmed, is on the job and is available for consultation right now with the Governor, should the Governor wish to consult with that third Commissioner, the Chairperson, and could do so and has ample time to do so in the period that he will have this Bill before him and can make a decision in that time period after consulting with the Chair. We think that this is the time to do it, that all of you have heard that these qualifying facilities are independent power producers, are one of the major cost factors affecting rates, they pass through the fuel adjustment clause and are reimbursed on a dollar for dollar basis. It seems appropriate that the Public Utilities Commission ought to have the option to review those more closely if they feel it is appropriate. That is all this Bill is asking to do, I would ask you to support the Majority 11 - 2 Report on this Bill. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The electric power companies made very substantial commitments for purchase power under the assumption that the fuel clause would remain in place. The elimination of the fuel clause would put recovery of these costs at risk. Both of the previous Senators that spoke said that the PUC would most likely not put this Bill into effect at this time and therefore I don't see any necessity for having it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **VOSE** of Washington, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Chair ordered a Division.

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

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

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **VOSE** of Washington, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-472) **READ** and **ADOPTED**, in concurrence.

Senate

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

Ought to Pass As Amended

Senator **CIANCHETTE** for the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Ensure Prompt and Equitable Payment for Construction Services"

S.P. 457 L.D. 1424

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-253)**.

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H.P. 256

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

12-D. Election Recount Proceedings. A Legislator or an employee of the Legislature, including partisan and nonpartisan employees and persons employed pursuant to a contract with the Legislature, may not participate in any legislative district election recount proceeding. A Legislator or an employee of the Legislature, as defined in this rule, may not participate in an appeal proceeding before the Commission on Governmental Ethics and Election Practices with respect to a legislative district election. Participation in an appeal proceeding includes, but is not limited to, representing a Legislator whose election is being challenged and assisting a Legislator in any manner in an appeal proceeding.

A Legislator whose election is subject to a recount procedure may attend the recount proceeding and respond to questions concerning the election but may not participate in the counting of ballots. A Legislator whose election is appealed to the Commission on Governmental Ethics and Election Practices may participate in the appeal process by providing information to the commission and responding to questions of the commission.

Comes from the House **READ** and **REFERRED** to the Joint Select Committee on **RULES**.

Which was **READ** and **REFERRED** to the Joint Select Committee on **RULES**, in concurrence.

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

Sent down for concurrence.

Senator **LAWRENCE** for the Committee on **ENERGY & NATURAL RESOURCES** on Resolve, Authorizing the Conveyance of Certain Public Lands in Gray (Governor's Bill)

S.P. 496 L.D. 1516

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-249)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-249) **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:

COMMUNICATIONS

The Following Communication:

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

COMMITTEE REPORTS

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

June 1, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Owen R. Stevens of South Berwick, for reappointment to the Board of Environmental Protection.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

| | | |
|-------|---------|---|
| YEAS: | Sen. 3 | Lawrence of York, Cianchette of Somerset, Ludwig of Arostook |
| | Rep. 10 | Jacques of Waterville, Mitchell of Freeport, Coles of Harpswell, Gould of Greenville, Constantine of Bar Harbor, Poulin of Oakland, Wentworth of Arundel, Lord of Waterboro, Anderson of Woodland, Marsh of West Gardiner |

NAYS: 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Owen R. Stevens of South Berwick, for reappointment to the Board of Environmental Protection be confirmed.

Signed:

S/Mark W. Lawrence
 Senate Chair

S/Paul F. Jacques
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended the nomination of Owen R. Stevens of South Berwick be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Energy and Natural Resources be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

EXCUSED: Senator CAREY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Owen R. Stevens, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

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

COMMUNICATIONS

The Following Communication:

**COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
 ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 1, 1993

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 116th Maine Legislature, the Joint Standing Committee on Housing and Economic Development has had under consideration the nomination of Kirk M. Allen of Gorham, for appointment to the Adaptive Equipment Loan Program Fund Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS: Sen. 3 Pingree of Knox, Brannigan of Cumberland, Harriman of Cumberland
 Rep. 9 Melendy of Rockland, Heeschen of Wilton, Plourde of Biddeford, Rowe of Portland, Sullivan of Bangor, Kontos of Windham, Kneeland of Easton, Marshall of Eliot, Quint of Paris

NAYS: 0

ABSENT: 1 Rep. Dexter of Kingfield

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Kirk M. Allen of Gorham, for appointment to the Adaptive Equipment Loan Program Fund Board be confirmed.

Signed:

S/Rochelle Pingree
 Senate Chair

S/Rita B. Melendy
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Housing and Economic Development has recommended the nomination of Kirk M. Allen of Gorham be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Housing and Economic Development be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 116th Legislature, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee.

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators None

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senators None

EXCUSED: Senator CAREY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with No Senators being absent, and 1 Senator being excused, and none being less than two-thirds of the Membership present, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Kirk M. Allen, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

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 - June 1, 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 until Later in Today's Session, 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 - June 1, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **SUMMERS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

(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 motion by Senator **SUMMERS** of Cumberland to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**.

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 - June 1, 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**.)

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 - June 1, 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.

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

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator **BUSTIN** of Kennebec, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

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

ENACTORS

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

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

An Act Concerning Registration Requirements for Small Quantity Generators of Hazardous Waste
H.P. 33 L.D. 36
(C "A" H-461)

An Act to Facilitate Municipal Road Construction
H.P. 144 L.D. 189
(C "A" H-299)

An Act to Enable Parents of Children with Mental Illness to Care for Their Children at Home
H.P. 268 L.D. 346
(C "A" H-426)

An Act to Grandfather Property under Certain Environmental Laws
H.P. 307 L.D. 395
(C "A" H-460)

- An Act Regarding Community Health Centers
H.P. 341 L.D. 444
(C "A" H-447)
- An Act Regarding the Future of the State's Mental Retardation Services System
H.P. 479 L.D. 616
(C "A" H-436)
- An Act Concerning School Construction
S.P. 192 L.D. 628
(C "A" S-206)
- An Act to Amend the Definition of "Parcel" for Purposes of Property Taxes
H.P. 504 L.D. 662
(C "A" H-459)
- An Act to Amend the Maine Human Rights Act to Include Provisions Concerning Employment Discrimination
S.P. 214 L.D. 685
(C "A" S-215)
- An Act to Ensure Compliance with Existing Energy Efficiency Building Standards
S.P. 241 L.D. 734
(S "A" S-223 to C "A" S-102)
- An Act to Restrict Self-referral by Health Care Practitioners
H.P. 585 L.D. 789
(C "A" H-467)
- An Act to Improve the Unemployment Collection Process for Employer Contributions
S.P. 264 L.D. 802
(H "B" H-439 to C "A" S-156)
- An Act to Amend the Laws Governing the Effect of a Tender in Foreclosure Actions
S.P. 291 L.D. 861
(C "A" S-216)
- An Act to Amend and Clarify the Solid Waste Management Laws
H.P. 756 L.D. 1023
(H "A" H-452 to C "A" H-298)
- An Act to Authorize Maine Financial Institutions and Credit Unions to Sell Annuities
H.P. 778 L.D. 1051
(S "A" S-227; S "B" S-231 to C "A" H-399)
- An Act to Allow the Use of Polystyrene Containers by Public Institutions under Certain Circumstances
S.P. 353 L.D. 1067
(C "A" S-211)
- An Act to Encourage Participation in Primary Elections
H.P. 815 L.D. 1101
(C "A" H-429)
- An Act Related to Suppliers of Compressed Air for Breathing
H.P. 816 L.D. 1102
(C "A" H-466)
- An Act Regarding the Department of Environmental Protection Rulemaking
H.P. 861 L.D. 1170
(S "A" S-233 to C "A" H-317)
- An Act to Establish a State Trauma Care System
H.P. 875 L.D. 1189
(C "A" H-386; H "A" H-438)
- An Act to Provide Support to Maine Small Businesses
H.P. 929 L.D. 1252
(C "A" H-456)
- An Act to Amend the Bill of Rights for Persons with Mental Retardation
H.P. 955 L.D. 1284
(C "A" H-437)
- An Act Concerning Duplicate Fees Required by the Department of Environmental Protection
H.P. 1023 L.D. 1375
(S "A" S-230 to C "A" H-411)
- An Act to Clarify the Extent of Insurable Interests
S.P. 448 L.D. 1415
(C "A" S-234)
- An Act to Amend Certain Corporate Laws
S.P. 455 L.D. 1422
(S "A" S-200)
- An Act to Establish a Risk-sharing Mechanism for Small Group Health Insurance Plans
H.P. 1092 L.D. 1470
(C "A" H-464)
- 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 Establish Minimum Sentence Enhancements for Repeated Convictions for Gross Sexual Assault
H.P. 48 L.D. 64
(C "A" H-441)

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

An Act to Provide a Deterrent to Child Sexual Abuse

H.P. 224 L.D. 292
(C "A" H-443)

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

An Act to Develop and Expand Markets for Recycled Materials

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

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

An Act to Ensure Small Boarding Homes Sufficient Funds to Remain Economically Viable

S.P. 238 L.D. 731
(C "A" S-221)

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

An Act to Update and Clarify Certain Provisions of Fish and Wildlife Laws

S.P. 243 L.D. 736
(C "A" S-239)

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

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
(H "A" H-476 to C "A" H-242)

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

An Act to Clarify Mandatory Waiver Authority Concerning Construction Requirements

S.P. 292 L.D. 862
(C "A" S-217)

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

An Act Repealing Advisory Boards on Housing and Economic Development Matters

H.P. 806 L.D. 1092
(C "A" H-473)

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

An Act Establishing Weapons License Reciprocity

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

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to call the attention of the members of the Senate to L.D. 1183. This is a Bill to establish weapons license reciprocity and, by the good Senator from Penobscot rising, it would be my clear understanding at this point that money would be attached to this Bill. In looking, once again, at the Committee amendment it appears to me that there is a fiscal note in the amount of \$20,767 in the first year and \$27,690 in the second year. I would ask members of the Senate to look at this Bill carefully. I know there are those in this chamber who may disagree with me as to whether or not individuals should have to go and get a concealed weapons permit from Maine officials, rather than to have their license recognized by way of reciprocity when they have gotten them from other New England states. I can't, for the life of me, figure out why we would spend money on this, why we would lose money for people who wouldn't have to pay for a concealed weapons permit. Would we think once or twice about letting someone take a fishing license from New Hampshire and come over here and use it and not pay for a Maine fishing license, or a Maine hunting license. Would we allow them to take a hunting license from another New England state and not pay for a license over here? How about a drivers license? Does that make any sense for somebody who is going to be a resident here, not paying for drivers license in this State, even if they have one from another State? I think it's foolhardy when we can't even come up with money to pay for nursing homes to turn down money that people are required to pay for these very important permits at this time. I would ask for a Division. Thank you.

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

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The fiscal note that is on here would be if all of the New England States were to join in this year. I have not had time, but I can assure you that I will, in the next day or two, have a much more realistic fiscal note that I will present to the Appropriations Committee. The only State right now that might pass this same law is New Hampshire, and I do not know at this particular time how many licenses that would be. It has not gone through its final stages in New Hampshire, nor has it here, but that fiscal note of \$20,000 plus is not an accurate fiscal note for this year. I would urge that we continue, I remind you that this is something like an 11 - 1 Ought to Pass out of the Legal Affairs Committee. 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 would urge your vote in turning down this piece of legislation, from not only the standpoint of the good Senator from Cumberland, Senator Conley, but from the standpoint of policy. Reciprocity for drivers licenses for attorneys and the like, and professions such as that, make sense, but this makes absolute nonsense. That's the kind of sense it makes, it makes nonsense to the extent of reciprocity on concealed weapons. Concealed weapons kill people. I have no problem whatsoever with reciprocity for law enforcement officials, but when we are talking about someone who can come into this State, because the other State said they could have a concealed weapon, they may have the same standards as we have, but I cannot give my consent and my blessing, as it were, to another jurisdiction doing the kind of investigation that is necessary for someone to hold a concealed weapons permit. Given that, Mr. President, I move the Indefinite Postponement of this Bill and all of its accompanying papers.

Senator **HANDY** of Androscoggin moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers 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. As far as reciprocity is concerned this isn't an isolated incident. In addition to drivers licenses, presently snowmobiles have reciprocity with New Hampshire, with Vermont and with the Canadian Provinces of New Brunswick and Quebec. Both licenses from practically all of the New England States we honor reciprocity back and forth. I guess I would just like to say that I don't agree that concealed weapons kill people. People kill people with weapons and they don't necessarily have to be concealed. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HANDY** of Androscoggin, to **INDEFINITELY POSTPONED** Bill and Accompanying Papers 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.

10 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion of Senator **HANDY** of Androscoggin, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED**.

Senate at Ease

Senate called to order by the President.

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

An Act Concerning the Operation of Aircraft under the Influence of Intoxicating Liquor or Drugs
 H.P. 1084 L.D. 1450
 (C "A" H-400; S "A" S-222)

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

Resolve

Resolve, Authorizing the Conveyance of Certain Public Lands in Newcastle (Governor's Bill)
 S.P. 502 L.D. 1525
 (C "A" S-210)

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

Emergency

An Act to Prevent the State from Discharging People from State Institutions without Adequate Provision for Alternative Services
 H.P. 370 L.D. 473
 (C "A" H-446)

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 Enhance the Role of the State Board of Education

S.P. 209 L.D. 680
(C "A" S-205)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 1 Senator 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 Concerning Amendments to the Laws Affecting the Finance Authority of Maine

H.P. 716 L.D. 967
(C "A" H-457)

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

Emergency

An Act to Facilitate Oil Spill Cleanup Operations

S.P. 470 L.D. 1462
(C "A" S-236)

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 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)

S.P. 497 L.D. 1517
(S "A" S-229)

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 Resolve

Resolve, to Require a Study of Adult Inmate Education and Training in the Correctional System

H.P. 478 L.D. 615
(C "A" H-445)

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

Emergency Resolve

Resolve, to Direct the Economic Development and Business Assistance Coordinating Council to Develop a Statement of Principles and Standards for Sustainable Development

H.P. 616 L.D. 831
(C "A" H-470)

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

Emergency Resolve

Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the City of Rockland

H.P. 1124 L.D. 1523
(C "A" H-448)

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 **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 Amend the Charter of the Oxford Water District

H.P. 1127 L.D. 1526
(C "A" H-471)

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 32 Members of the Senate, with No Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

PAPERS FROM THE HOUSE

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 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**.

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**.

In Senate, June 1, 1993, **INSISTED**.

In House, June 1, 1993, 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**.

Non-concurrent Matter

Bill "An Act Regarding County Contingent Account Limits"

S.P. 286 L.D. 856
(C "A" S-116)

In Senate, May 17, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-116) AS AMENDED BY HOUSE AMENDMENT "A" (H-500)** thereto, in **NON-CONCURRENCE**.

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

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 **BUSINESS LEGISLATION** on Bill "An Act to Modify Various Licensing Board Laws"
S.P. 490 L.D. 1501

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-252)**.

Which Report was **READ**.

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

Senator HALL for the Committee on **FISHERIES & WILDLIFE** on Bill "An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife through Increased License Fees"
S.P. 369 L.D. 1126

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

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

The Bill **READ ONCE**.

Committee Amendment: "A" (S-248) **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.

Off Record Remarks

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

On motion by Senator **PEARSON** of Penobscot, **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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Regarding Lobbying"
S.P. 295 L.D. 881
(H "A" H-423 to C
"A" S-183)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183) AS AMENDED BY HOUSE AMENDMENT "A" (H-423)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183) AS AMENDED BY HOUSE AMENDMENT "B" (H-498)** thereto, in **NON-CONCURRENCE**.

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **CONLEY** for the Committee on **JUDICIARY** on Resolve, to Authorize Bonding by the Maine Court Facilities Authority

S.P. 493 L.D. 1504

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

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

The Resolve **READ ONCE**.

Committee Amendment "A" (S-251) **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:

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Expedite Maintenance of Utility Facilities"

S.P. 346 L.D. 1041

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-250)**.

Signed:

Senators:

VOSE of Washington
CLEVELAND of Androscoggin
CARPENTER of York

Representatives:

CASHMAN of Old Town
TAYLOR of Cumberland
KONTOS of Windham
COFFMAN of Old Town
MORRISON of Bangor
HOLT of Bath
CLARK of Millinocket
DONNELLY of Presque Isle
AIKMAN of Poland

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

Signed:

Representative:

ADAMS of Portland

Which Reports were **READ**.

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-250) **READ** and **ADOPTED.**

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

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

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

Off Record Remarks

On motion by Senator **SUMMERS** of Cumberland, **ADJOURNED** until Wednesday, June 2, 1993, at 4:00 in the afternoon.