

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

In Senate, May 27, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-235).**

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

In Senate Chamber
Wednesday
June 2, 1993

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-235) AND HOUSE AMENDMENT "A" (H-520) in NON-CONCURRENCE.**

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

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

COMMITTEE REPORTS

House

Ought to Pass As Amended

Prayer by the Honorable Philip E. Harriman of Cumberland.

SENATOR PHILIP E. HARRIMAN: Thank you Mr. President, distinguished members of the Senate, citizens of the State of Maine. I'd like to offer these words from Abraham Lincoln and then a prayer.

His words are, "I do the best I know how, the very best I can, and I mean to keep on doing it to the end. If the end brings me out alright, what is said against me will not amount to anything. If the end brings me out all wrong, ten angels swearing I was right would make no difference."

Please join me in a prayer to your God. Gracious God we give thanks to you for the spiritual growth we have received from experiencing the uniqueness that each of us brings to the Maine Senate. Thank you for the honor of serving in this place during these difficult and challenging times. Help us to meet these challenges, oh God, with your guidance, with wisdom, courage and humility. Let our legacy be a renewal of opportunity for all of the people of Maine. Lastly, oh God we pray, the will to individually and collectively do the very best we know how. Amen.

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

H.P. 1101 L.D. 1488

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-497) **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.

Reading of the Journal of Tuesday, June 1, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Allow the Sale of Surplus Lands from the State Nursery" (Emergency)

S.P. 89 L.D. 243
(C "A" S-235)

Senate

Ought to Pass As Amended

Senator **PARADIS** for the Committee on **AGRICULTURE** on Bill "An Act to Provide Consistency in the Animal Welfare Laws"

S.P. 345 L.D. 1040

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-256).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-256) **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.

116TH MAINE LEGISLATURE

June 2, 1993

Senator **PARADIS** for the Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Laws Governing the Committee to Advise the Department of Human Services on AIDS"

S.P. 451 L.D. 1418

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-254).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-254) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

Dear Chairs:

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

Pursuant to Title 28A, MRSA Section 61, this nomination is currently pending before the Joint Standing Committee on Legal Affairs.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Which was **READ** and referred to the Committee on **LEGAL AFFAIRS.**

Sent down for concurrence.

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

ENACTORS

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

Bond Issue

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$39,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges, Airports, Cargo Ports and the Ferry Service (Governor's Bill)

S.P. 505 L.D. 1529
(C "A" S-212)

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

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

COMMUNICATIONS

The Following Communication: S.P. 524

**COMMITTEE ON LABOR
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 Labor has had under consideration the nomination of Kathy MacLeod Hooke of Bethel, for appointment as the Alternate Neutral Member of the Maine Labor Relations 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 Handy of Androscoggin, Luther of Oxford, Begley of Lincoln

Rep. 9 Ruhlin of Brewer, St. Onge of Greene, Chase of China, Clement of Clinton, Sullivan of Bangor, Aikman of Poland, Carr of Sanford, Libby of Buxton, Lindahl of Northport

NAYS: 0

ABSENT: 1 Rep. Coffman of Old Town

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 Kathy MacLeod Hooke of Bethel, for appointment as the Alternate Neutral member of the Maine Labor Relations Board be confirmed.

Signed:

S/James R. Handy
Senate Chair

S/Richard P. Ruhlin
House Chair

June 1, 1993

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

THE PRESIDENT: The Joint Standing Committee on Labor has recommended the nomination of Kathy MacLeod Hooke of Bethel be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Labor 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, CAREY, 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

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 Kathy MacLeod Hooke, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

Off Record Remarks

The Following Communication:

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

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 State and Local Government has had under consideration the nomination of Delores Finley Starbird of Augusta, for appointment to the Civil Service Appeals 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. 2	Berube of Androscoggin, Butland of Cumberland
	Rep. 7	Joseph of Waterville, Gray of Sedgwick, Dutremble of Biddeford, Ahearne of Madawaska, Walker of Blue Hill, Look of Jonesboro, Bennett of Norway

NAYS: 0

ABSENT: 4 Sen. Esty of Cumberland, Rep. KilKelly of Wiscasset, Rep. Rowe of Portland, Rep. Young of Limestone

Nine 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 Delores Finley Starbird of Augusta, for appointment to the Civil Service Appeals Board be confirmed.

Signed:

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

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

THE PRESIDENT: The Joint Standing Committee on State & Local Government has recommended the nomination of Delores Finley Starbird of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State & Local Government 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, CAREY, CARPENTER, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HALL, HANDY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, SUMMERS, TITCOMB, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senator HANLEY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, 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 Delores Finley Starbird, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

**COMMITTEE ON STATE AND LOCAL GOVERNMENT
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 State and Local Government has had under consideration the nomination of Dennis Lemieux of Brunswick, for reappointment to the Civil Service Appeals 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. 2 Berube of Androscoggin,
Butland of Cumberland

Rep. 7 Joseph of Waterville, Gray of
Sedgwick, Dutremble of
Biddeford, Ahearne of
Madawaska, Walker of Blue
Hill, Look of Jonesboro,
Bennett of Norway

NAYS: 0

ABSENT: 4 Sen. Esty of Cumberland, Rep.
Kilkelly of Wiscasset, Rep.
Rowe of Portland, Rep. Young
of Limestone

Nine 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 Dennis Lemieux of Brunswick, for reappointment to the Civil Service Appeals Board be confirmed.

Signed:

S/Georgette B. Berube
Senate Chair

S/Ruth Joseph
House Chair

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

THE PRESIDENT: The Joint Standing Committee on State & Local Government has recommended the nomination of Dennis Lemieux of Brunswick be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on State & Local Government 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, CAREY, 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

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 Dennis Lemieux, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

SENATE PAPERS

Resolve, Authorizing the Ellsworth School Department to Transact a Land Exchange to Avoid Wetlands and Ledge Discovered During Project Development of the New Ellsworth High School
S.P. 523 L.D. 1545

Presented by Senator **FOSTER** of Hancock
Cosponsored by Representatives: FARREN of Cherryfield, WALKER of Blue Hill, ZIRNKILTON of Mount Desert
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

Pursuant to Joint Rule 14, the Chair ordered a Division. 32 Senators having voted in the affirmative, and No Senators in the negative, the Rule was suspended and the Bill was **READ ONCE**, without reference to a Committee.

The Bill, **LATER TODAY ASSIGNED FOR SECOND READING**.

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **LAWRENCE** for the Committee on **EDUCATION** on Bill "An Act to Amend and Improve the Laws Related to Education"
S.P. 405 L.D. 1263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-262)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-262) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Pertaining to the Visitation Rights of Grandparents"

S.P. 34 L.D. 40

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-259)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **CONLEY** for the Committee on **JUDICIARY** on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency)

S.P. 434 L.D. 1344

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-258)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-258) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **LUTHER** for the Committee on **LABOR** on Bill "An Act to Expand Opportunities for School-to-work Transition Services Utilizing the Jobs for Maine's Graduates Model" (Governor's Bill) (Emergency)

S.P. 509 L.D. 1535

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-260)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-260) **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.

Divided Report

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Register the Use of the Title of Registered Interior Designer"
S.P. 467 L.D. 1459

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (S-265)**.

Signed:

Senators:
CIANCHETTE of Somerset
BUSTIN of Kennebec

Representatives:
VIGUE of Winslow
HILLOCK of Gorham
REED of Dexter
HOGLUND of Portland
WINN of Glenburn
CAMERON of Rumford
ST. ONGE of Greene
LIBBY of Kennebunk
CLEMENT of Clinton

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

Signed:

Senator:
MARDEN of Kennebec

Representative:
THOMPSON of Lincoln

Which Reports were **READ**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I noticed that this sets up another Board and another Commission and another fee for Interior Decorators and I'm a little concerned that we may be expanding a little too far. I'd like to have someone try to explain to me, if they might in a very short time, as to why this thing is even needed. Will architects be required, for instance, to avail themselves of these services mandatorily. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is my understanding that this does not set up a new Board. This was a result of a law change of a few years ago that made it illegal for interior designers to sell their services. We had a couple of strong hearings on this and the interior designers met with the Board of Engineering and worked out a system whereby the designers would work and would be allowed to work under their title of Certified Interior Designer and that they would be regulated by the Board of Licensure of Architects and Landscape Architects. It is the same Board, they would put two members of the interior designers on that Board and they would be regulated by that Board and be allowed to practice. We thought that this was an excellent way to move forward and let these people, who are professionals who were left out of the law, be able to operate and sell their services under certain conditions that they were registered for under the existing Board, and would not have to work under the auspices of an architect. We thought that this was an excellent amendment and it worked out a problem that was agreed upon by all of the parties before us. I would urge the passage of this particular legislation. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I have the Bill, L.D. 1459, in front of me. On page 6, under 14331, it creates the State Board of Registration for Interior Designers, and the amendment adds the underlined words, which I assume means new language, "5. The Maine State Board of Licensure of Architects and Landscape Architects and Interior Designers". I noticed that the membership of the Board is going to consist of 5 members appointed by the Governor, 4 members of whom must have been Interior Designers for a period of 5 years. That doesn't tell me that they are going to add 2 people to any particular Board. I would move the Indefinite Postponement of this Bill and all of its accompanying papers because I am concerned that this is just going to raise the cost of public buildings. Thank you.

Senator **CAREY** of Kennebec moved the **INDEFINITE POSTPONEMENT** of Bill and Accompanying Papers.

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

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Today Assigned 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)

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

Pending - **FURTHER CONSIDERATION**

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

(In House, May 28, 1993, **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**.

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

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

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

Tabled - June 1, 1993, by Senator **VOSE** of Washington.

Pending - **ADOPTION** of Committee Amendment "A" (H-348)

(In Senate, June 1, 1993, **RECONSIDERED** Adoption of Committee Amendment "A" (H-348), in concurrence.)

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

On motion by Senator **VOSE** of Washington, Senate Amendment "A" (S-263) to Committee Amendment "A" (H-348) **READ**.

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

Senator **VOSE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a friendly amendment to the Bill offered by the Maine State Housing Authority, which established the program. It is the Fuel Conversion Assistance Program, which they will be administering their part of. It also clarifies who the eligible borrowers and grantees of the program are. I move we adopt it. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-263) to Committee Amendment "A" (H-348) **ADOPTED**.

Committee Amendment "A" (H-348) As Amended by Senate Amendment "A" (S-263) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

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

An Act Concerning the Mandatory Use of Car Safety Seat Belts

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

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

Pending - **CONSIDERATION**

(In Senate, June 1, 1993, Veto message from the Governor **READ** and **ORDERED PLACED ON FILE**.)

(In House, May 20, 1993, **PASSED TO BE ENACTED**.)

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

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It is the business of the State to deal with safety in automobiles and vehicles, and those things that surround automobiles and vehicles, our roads, signs, various types of equipment on and in automobiles, that's the business of the State. It is the business of this body, the legislature, to make rules and laws about them. Not to preach, but to make laws. This legislature a week or two ago, made a decision about seatbelts, they said that seatbelts are a safety device and the people who ride in cars, old and young, people who drive cars, older and younger, should wear the belts that are provided for them. It is a safety issue, a safety issue that is important enough for us to make a law about and important enough for us to say, as we do with many other things regarding laws and regarding equipment and regarding regulations and regarding people, that we have made that decision. The Governor has now said no, that you do not have to wear seatbelts, that it is okay not to wear them, that this law will not happen and that people who are over 18 do not have to and it is okay. We're in the business of making laws, not to say it is not okay, but it is okay he said. Now we have to decide is he right, is it okay not to wear them, or are we right to say that you must wear them. I had some very harsh words I would like to say but I am not going to. Those of you who feel you have won, I hope you will not gloat. This is a very important issue, we have the lives of people in our hands, the suffering of people in our hands on this issue. Money has been mentioned and of course that is very important because of how tight and how difficult it is for us to find places and ways to save money. Lives and suffering have been in our hands.

I was in Canada over the weekend and sat on a busy street in Ottawa and watched the effect of a strong law that has been in place for some time. I couldn't believe, I swear that in a half hour on a very busy street in Ottawa I saw only two or three people, men driving sports cars, without belts.

Everyone else was belted. Everyone else had as much safety as possible because they had a law. How long are we going to wait before we adapt this easy way to save lives and money. I urge you to vote with me to override this veto and to say it is wrong to ride without using this belt that is there beside you. I want to commend the people who have worked so hard this time and other times, many many people have worked to pass this. I want to commend Dr. Graham from the administration of the Bureau of Health, Jadine O'Brien and Gordon Smith, from the lobby, have worked so hard, and especially Representative Pendexter from the Maine State Highway Safety Council and all those who have worked hard. We should be proud of them and what we have done. I hope that we can continue to be proud by overriding this veto. Thank you.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It was ironic that a constituent leaving my house on Monday afternoon said there is an accident out here. My parents, having left my house a few minutes before, I checked because it was a brown vehicle. The first thing I saw when I got to the accident scene was this beautiful woman belted in. Thank God you're belted, I said, she was still very emotionally distraught from the accident. She was taken to the hospital. Somebody had hit her, somebody had come after her with a big car and they were injured. I was leaving shortly afterwards to come down here and it hit me that it took about an hour to get emergency vehicles to the sight of that accident and I live on U.S. Route 1. Many times I had completely forgotten that angle to this, that we have a volunteer emergency service that takes a long time to get to accident sights. If she had been even a little farther off it would have been even longer. I remember being at a restaurant one time and a snowmobiler died in front of us, drowned in his own blood, because we couldn't get the ambulance to come up. That is one aspect, the fact that we live in a rural area, that we have got to respect the fact that we can't get to our people even if they are in very dire straights. We will all be leaving here soon and I have tried to envision the people who were here last year even, I think we leave with hardly a trace. In french we say cher disparu, dear ones who have disappeared from our lives, many times I think of that expression and how a lot of beautiful people are disappearing from our lives who don't need to because of our action here. There are many things, most of the stuff we do around here will soon be forgotten, but when we are retired and sitting on our front porch contemplating a beautiful sunset, this will be something that we will remember that we did positively. The people's whose lives we are going to save might not even know our faces, it does not matter. We are here now, we can make a decision. I urge override of this Bill. Thank you.

The President laid before the Senate the following:

"Shall this Bill become Law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT: Senators None

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, with No Senators being absent, and 19 being less than two-thirds of the membership present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House.

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 - June 1, 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 until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-343), in 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 - June 1, 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 until Later in Today's Session, pending **ENACTMENT**.

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

Bill "An Act to Improve Local Control over Liquor Licensing"

H.P. 589 L.D. 793

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

Pending - **ADOPTION** of Committee Amendment "A" (H-487), in concurrence.

(In Senate, June 1, 1993, Committee Amendment "A" (H-487) **READ.**)

(In House, June 1, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487).**)

On motion by Senator **CAREY** of Kennebec, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

An Act 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.**)

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As you know, yesterday afternoon, I got up and opposed this Bill. I oppose it not only for philosophical reasons but for logistical reasons also. If you look at this Bill, in the first section it says the date of the Presidential Preference Primary must be held on the same day as the Presidential Primary in the State of New Hampshire. I think most of us realize that in the State of New Hampshire, they have it in statute that they will be the first State in the nation to hold a primary. I think that puts Maine in the situation of piggybacking on the State of New Hampshire and how long do we piggyback? If they say they are going to have their primary on March 1 and we go to March 1, then they will back up into April and then we back up into April, and so on and so forth. I think that, first of all, is absolute insanity, and secondly if you look at this piece of legislation it also dictates that the Presidential Primary will be held in March. If we are going to have a March primary and then a June primary for State and local candidates, then that says to me that we have the expense of another primary process, which the last time I checked was somewhere around \$95,000. If we are going to be so cavalier in such fiscally difficult times as to pass such legislation out I think we are being incredibly irresponsible, i.e. my Indefinite Postponement of the Bill. Also, I if the members are not willing to Indefinitely Postpone this Bill then I would strongly urge the Chair of the Appropriations Committee to put this Bill on the Appropriations Table so that it can compete for funds like the rest of them. I don't think this Bill has been properly examined by the Fiscal and Program Review people because I do believe there are in fact hidden costs, and I can't find anywhere in the legislation or in the amendment that says that the cost for holding a separate primary election would be borne by anyone other than the State of Maine. If the State of Maine is going to shove it off onto the community then we are under a mandate situation. All in all, Mr. President and ladies and gentlemen of this chamber, I think that although the sponsors of this Bill are well intentioned I think that this is a bad piece of legislation and should the route of Indefinite Postponement. 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 believe I misspoke yesterday when explaining the funding mechanism of this Bill when I indicated that it would be carried by the party committees, that was an error and I apologize to the Senate for making that error. In making that error it gave me the time to research it further and gather up my wits about myself seeing as it was considered by the Legal Affairs Committee some time ago. This Bill provides for, as the good Senator from Cumberland, Senator Summers, indicated, a Presidential Primary. Let me also point out that it does not eliminate the party caucus system. If the state parties want to go ahead with the caucus system they may go ahead and do that. It does provide for self funding in the amount of a filing fee that the Presidential candidates would pay or they may require the requisite number of signatures in order to get their name on that Primary ballot. Let me just read from the Committee amendment, which

is a unanimous report, regarding the fiscal note. "Providing an option to Presidential Primary candidates to either pay a \$2500 filing fee or obtain a petition with the significant number of signatures may increase future general revenues. The amounts cannot be determined at this time." Men and women of the Senate, the entire Committee of Legal Affairs felt that this had any number of effects on the State, positive ones at that, by getting more people involved in the Presidential selection process, but also from the standpoint of economic development. There will be more Presidential candidates making their way through this State with their staffs, putting money into hotels, cars and the like, not to mention advertising costs. We see this as an economic boon as well. We would urge your opposition to the motion by the good Senator from Cumberland, Senator Summers, to Indefinitely Postpone this Bill so that we may go on to pass this Bill as unanimously recommended by the Legal Affairs Committee. Thank you.

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

Senator **BEGLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to ask you to support the Indefinite Postponement on the basis that the party caucus, at least in my area, and I will be somewhat provincial, have been the backbone of both parties and have been extremely successful. The proponents of this, saying that we will get additional money, in my estimation is simply saying that we will turn some of this over to advertising. We are turning this over to TV, we are turning this over to a situation whereby we are going to promote it on a so called grand scale. You may get more participation, that is questionable, the other part is that you will lose both parties and regards to local concerns and local interests, particularly in the two caucus system that I have seen along the coast. The point is, you may be giving away something that is extremely valuable to pick up some change. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Things may be a little different inland but it won't hurt the caucus system inland a bit because there really isn't much of it left. I am in support of this Bill, I believe it will definitely promote Maine in a good light. I believe that it indeed, will be revenue producing. We have seen the results in New Hampshire. There is some sentiment of let New Hampshire go the way that they want, there is provisions here that we won't let them get away, that we will combine with New Hampshire whether they want us to or not, and I think it is time that we did just that. I would urge you to vote against the Indefinite Postponement of this Bill. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One of the things that the Committee members discussed while we were going through this Bill was that simply it would give the people out there, not the caucus, the people, the chance to pick who will be running for President. Therefore, we may be able to get away from, among others, the Jesse Jacksons, the Gerry Browns, the McGoverns, the Mondales. The Democrats have an

entirely long list of these people and that may be why so many Republicans have been getting elected as President. We would like to see if we can make a change in the system. 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 hope I'm not hearing correctly from the Senator from Kennebec, Senator Carey, that he is trying to exclude people from this process. I think all members of this body would find that incredibly disturbing if we didn't have the enlightenment of the aforementioned candidates. I would like to pose a question through the Chair. We have heard that the cost associated with the Presidential Primary would be borne by the candidates themselves or, in light of that cost they would submit a petition with a certain amount of signatures on it, again it is my understanding that running an election is about a \$95,000 proposition, so if it is \$2500 a candidate we're looking at roughly 45 candidates or so. I think we all find the election process grueling enough and there are enough signs on the side of the road and everything else to make life confusing, 40 some odd candidates I think would be a little bit more than most of us would be willing to bear. Again, I must ask someone on the Appropriations Committee if they can check into this and find out if there is a fiscal note or if there should be a fiscal note attached to this. Thank you.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to say to the Senator from Cumberland, Senator Summers, he may be sorry he asked the question, because I am confused too. I've been in conversation with the people downstairs who put fiscal notes on, I don't, and they tell me that under current law, parties do have the option already to have a Primary, because it is current law there is no need for a fiscal note even though a Primary election might take place. I'm sorry, that is the explanation I got, I'm not sure that I understand it either but there is no fiscal note on the Bill. Thank you.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In trying to answer the gentleman's question I would point out that obviously we are always open to amendments and there are, in fact, some people in this world who, for getting their name on a ballot to run for President, would pay tens of thousands of dollars. That may, in fact, limit some of the candidates, but at least it would raise the money that the good Senator is asking for. As far as excluding people, there is nothing that excludes people anymore than the caucus system. 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 want to thank the Senator from Kennebec and also the Senator from Penobscot, Senator Pearson, for delving into this

issue with the people in the fiscal office, and also for solidifying my point that this legislation is not needed. If this is currently in statute then why are we doing it and therefore I see no other option for this body but to support my motion of Indefinite Postponement. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. To any member of the Senate, I was kind of hoping that my brethren of the bar, the Senator from York, Senator Lawrence, and the Senator from Cumberland, Senator Conley, would be here. I did not take the class in law school on conflict of laws, but it is very troubling to me the point that the good Senator from Cumberland raises, as far as here we have a situation where the State of New Hampshire has a law on their books which states that they will be the first State in the nation to hold a Presidential Primary. If Maine were to enact this law and place this law on its books, having to piggyback on with New Hampshire, when would it end. When would New Hampshire say, well we don't have the first Presidential Primary, we share it with the State of Maine now. Does anyone have an answer to that or has the Legal Affairs Committee looked into that conflict? Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Hanley, 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. It is my recollection that party rules in the State of Maine require that the Presidential preference process take place during the calendar year in which the general election is to take place, therefore the earliest it could be would be January 1 of the election year. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If I could just follow up that question. I thank the good Senator from Androscoggin for enlightening me. I would ask the good Senator then if that is the case, if New Hampshire was to have their Primary on December 31, Maine, having on statute two conflicting laws, one saying that it will be held in the calendar year of the presidential elections and the other statute saying that it will be held at the same time with New Hampshire, which would control?

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

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion of Senator **SUMMERS** of Cumberland, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE, FAILED**.

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

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 - 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.

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 - 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 1 Legislative Day, pending **FURTHER CONSIDERATION**.

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

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

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

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

Pending - **ENACTMENT**

(In Senate, May 28, 1993, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239).**)

(In House, June 1, 1993, **PASSED TO BE ENACTED.**)

(See Action Later Today)

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

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)

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

Pending - **ENACTMENT**

(In Senate, May 28, 1993, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242) AS
AMENDED BY HOUSE AMENDMENT "A" (H-476)** thereto, in
concurrence.)

(In House, June 1, 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:

An Act Repealing Advisory Boards on Housing and
Economic Development Matters
H.P. 806 L.D. 1092
(C "A" H-473)

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

Pending - **ENACTMENT**

(In Senate, May 28, 1993, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)** in
concurrence.)

(In House, June 1, 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:

SENATE REPORT - from the Committee on **BUSINESS
LEGISLATION** on Bill "An Act to Modify Various
Licensing Board Laws"

S.P. 490 L.D. 1501

Report - **Ought to Pass as Amended by Committee
Amendment "A" (S-252).**

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

Pending - **ACCEPTANCE** of Report

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

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

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

Bill "An Act Regarding Lobbying"

S.P. 295 L.D. 881
(H "A" H-423 to C
"A" S-183)

Tabled - June 1, 1993, by Senator **CAHILL** of
Sagadahoc.

Pending - **FURTHER CONSIDERATION**

(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.)

(In House, June 1, 1993, **PASSED TO BE ENGROSSED
AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183) AS
AMENDED BY HOUSE AMENDMENT "B" (H-498)** thereto, in
NON-CONCURRENCE.)

Senator **BERUBE** of Androscoggin moved that the
Senate **ADHERE**.

On motion by Senator **ESTY** of Cumberland, Tabled
1 Legislative Day, pending the motion by Senator
BERUBE of Androscoggin, to **ADHERE**.

On motion by Senator **PEARSON** of Penobscot, the
Senate **RECONSIDERED** its action whereby it **PASSED
TO BE ENACTED:**

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

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

(In Senate, June 2, 1993, **PASSED TO BE ENACTED,**

in concurrence.)

(In House, June 1, 1993, **PASSED TO BE ENACTED.**)

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**.

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later 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 - June 2, 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 **HARRIMAN** of Cumberland, 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**.

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

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (S-198).

On further motion by same Senator, Senate Amendment "A" (S-247) to Committee Amendment "A" (S-198) **READ**.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Thank you for the opportunity to roll back our previous actions to add Senate Amendment "A" under S-247. If I could I would just like to share with you briefly what this amendment seeks to do. First, as I'm sure we are all concerned, Bills that have a fiscal note usually go to the Appropriations Table. I'd like to, at this point, thank and commend the Bureau of the Budget, the Office of Policy and Fiscal Review, for the work that has gone into this amendment. What it does is clearly establish a Tourism and Marketing Development Fund and it clearly sets aside increases in the

revenues from sales and lodging taxes as well as car rentals that will be dedicated to the development of this Fund. If I could, there is a handout that I would like to have passed out by one of the Senate pages. As the page passes out the information I will share with you, very briefly, what it seeks to accomplish. It advances unassigned surplus from the State revenues, the money needed to implement this marketing plan. In addition the State Tax Assessor has calculated the projected increases in restaurant and lodging revenues that will be accomplished by this marketing plan. This information was prepared by the State Tax Assessor. The bar graphs that you see, coded in red and blue, show the increase in the amount of revenues, taxable sales revenues, that will be derived from this program. The lines that you see show the percentage increase, the growth rate, in revenues, from this program. I think it's important that you understand that these increases in revenues are over and above, and I reiterate that they are over and above, the projected revenues that are already in the budget. The other thing I should point out is that these revenues do not include retail sales taxes, they do not include gasoline taxes, they do not include income taxes that should be derived from this program. Clearly, we have been conservative in presenting this information to you.

During the past two years research studies were conducted to determine Maine's opportunity to increase revenues by building tourism activity. Research has determined that the result of developing a five year marketing program for the State of Maine will, indeed, significantly increase revenues to the State of Maine. Two independent studies, one by the firm of McKenzie and Company, the other one by Davidson, Peterson Associates, have documented that we can expect in the range of three to one, to eight to one return on this marketing plan. We have presented it to you as a one to one return solely on the sales and meals and lodging tax revenue. Maine currently has the lowest budget of any State government in New England, and it is ranked 48th in the nation in its spending to promote Maine as a destination point. This amendment that we present to you makes this Bill revenue neutral. The Davidson Peterson Associates, the firm that did the research, indicates that in addition to the revenues that I have described that we can expect 16,400 person years, that is one person full time employment, \$153 million in wages paid, \$41 million in savings in unemployment and welfare payments not made. You should also know that in addition the Department of Commerce through the Economic Development Agency, has granted the Department of Economic and Community Development in Maine a \$75,000 grant that will assist eight regions in the State of Maine in developing programs to create promotional events, whether it's fairs, clam festivals or what have you.

We have talked about helping small businesses throughout this legislative session. This is an opportunity for us to do that. You should also know that it is the number one priority of the Housing and Economic Development Committee that work through the recommendations of the Maine Economic Growth Council. For these reasons I hope you will support the pending motion. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion of Senator Harriman of Cumberland, to **ADOPT** Senate Amendment "A" (S-247) to Committee Amendment "A" (S-198).

THE PRESIDENT: In reference to the action of the Senate on June 1, 1993, whereby it **INSISTED** and **JOINED IN A COMMITTEE ON CONFERENCE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228)

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

- Senator **BERUBE** of Androscoggin.
- Senator **CAREY** of Kennebec.
- Senator **BUTLAND** of Cumberland.

The Secretary has so informed the Speaker of the House.

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 George W. Wood, III of Orono, for reappointment to the University of Maine Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of George W. Wood, III of Orono be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education 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.

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

COMMUNICATIONS

The Following Communication:

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

June 2, 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 Education has had under consideration the nomination of George W. Wood, III of Orono, for reappointment to the University of Maine Board of Trustees.

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 | O'Dea of Penobscot, Lawrence of York, Amero of Cumberland |
| | Rep. 9 | Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Orono, Norton of Winthrop, Ault of Wayne |
| NAYS: | 0 | |
| ABSENT: | 1 | Rep. Small of Bath |

ROLL CALL

YEAS: Senators None

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

ABSENT: Senator HANLEY

No Senators having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being absent, 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 George W. Wood, III, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

June 2, 1993

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

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

ROLL CALL

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 Education has had under consideration the nomination of James R. Caron of Fort Kent, for reappointment to the University of Maine Board of Trustees.

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 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland
 Rep. 9 Mitchell of Vassalboro, Oliver of Portland, Pfeiffer of Brunswick, Simonds of Cape Elizabeth, Cloutier of South Portland, Pinette of Fort Kent, Stevens of Fort Kent, Norton of Winthrop, Ault of Wayne

NAYS: 0

ABSENT: 1 Rep. Small of Bath

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 James R. Caron of Fort Kent, for reappointment to the University of Maine Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
 Senate Chair

S/Elizabeth H. Mitchell
 House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of James R. Caron of Fort Kent be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education 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?

YEAS: Senators None

NAYS: Senators AMERO, BALDACCII, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CAREY, 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

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 James R. Caron, was **CONFIRMED**.

The Secretary has so informed the Speaker of the House.

The Following Communication:

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

June 2, 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 Education has had under consideration the nomination of Bennett D. Katz of Augusta, for reappointment to the University of Maine Board of Trustees.

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 O'Dea of Penobscot, Lawrence of York, Amero of Cumberland

Rep. 9 Mitchell of Vassalboro,
Oliver of Portland, Pfeiffer
of Brunswick, Simonds of Cape
Elizabeth, Cloutier of South
Portland, Pinette of Augusta,
Stevens of Augusta, Norton of
Winthrop, Ault of Wayne

NAYS: 0

ABSENT: 1 Rep. Small of Bath

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 Bennett D. Katz of Augusta, for reappointment to the University of Maine Board of Trustees be confirmed.

Signed:

S/John J. O'Dea
Senate Chair

S/Elizabeth H. Mitchell
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Education has recommended the nomination of Bennett D. Katz of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Education 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, CAREY, 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

No Senators having voted in the affirmative and 35 Senators having voted in the negative, with No Senators being absent, 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 Bennett D. Katz, 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:

SECOND READERS

Senate

Resolve, Authorizing the Ellsworth School Department to Transact a Land Exchange to Avoid Wetlands and Ledge Discovered During Project Development of the New Ellsworth High School
S.P. 523 L.D. 1545

Which was **READ A SECOND TIME**.

On motion by Senator ESTY of Cumberland, Tabled 1 Legislative Day, pending **PASSAGE TO BE ENGROSSED**, without reference to a committee.

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. 1146

ORDERED, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out to the House a bill authorizing a General Fund bond issue to provide funds for assistance to Maine businesses.

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

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

ORDERS OF THE DAY

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

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

Tabled - June 2, 1993, by Senator ESTY of Cumberland.

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

Off Record Remarks

(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).**)

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

On motion by Senator **CLEVELAND** of Androscoggin, Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343) **READ.**

SENATE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Register the Use of the Title of Registered Interior Designer" S.P. 467 L.D. 1459

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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-265)**

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment clarifies the notification process in regards to local zoning ordinances. It sets up clearly two categories of notification. First, the general notification for those areas in which municipalities are adopting ordinances that affect the entire community, or shoreland zoning that affects the entire community, and it requires for notification at least twice in local newspapers and for posting of notification. This is similar to the current requirement. It also sets up the clear notification for those instances in which, in specific areas of the community, in definitive geographic areas, there is some zoning change to an existing zoning ordinance that would either allow commercial, industrial, or retail use or prohibit it where it was previously allowed, and it clarifies that a notice by first class mail will need to go to each one of the land owners in or abutting that area where the change is proposed. I've discussed this with the Committee on Energy and Natural Resources, as well as the sponsor and it is my understanding that the Committee is unanimously supporting this amendment. Thank you.

Minority - **Ought Not to Pass**

Tabled - June 2, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers

(In Senate, June 2, 1993, Reports **READ.**)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343).

Off Record Remarks

Senate at Ease

Senate called to order by the President.

Senator **CIANCHETTE** of Somerset was granted unanimous consent to address the Senate off the Record.

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