

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

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

In Senate Chamber
Thursday
June 3, 1993

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

Prayer by the Honorable Richard J. Carey of Kennebec.

SENATOR RICHARD J. CAREY: Thank you Mr. President, my colleagues I bid you good morning. As we look to the great Interior Decorator in the sky, let us pray. Lord, you again have given us a day in which to do your work here on earth. Guide us through our deliberations on the varied matters we take up during these trying times of great need and little money. Give us the wisdom to do the most good with what we have. We ask this in your name. Amen.

Reading of the Journal of Wednesday, June 2, 1993.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Establishing an Indigent Defense Reimbursement Fund"

S.P. 174 L.D. 588
(C "A" S-214)

In Senate, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-214) AS AMENDED BY HOUSE AMENDMENT "A" (H-518)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Enhance Voters' Rights in Budget Approval of School Districts" (Emergency)
S.P. 252 L.D. 771
(H "A" H-407; H "B" H-416 to C "A" S-163)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-163) AS AMENDED BY HOUSE AMENDMENTS "A" (H-407) AND "B" (H-416)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-489) AS AMENDED BY HOUSE AMENDMENT "A" (H-519)** thereto, in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Eliminate the Prescription Requirement for Hypodermic Syringes"
H.P. 587 L.D. 791
(H "A" H-418 to C "A" H-388)

In Senate, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388) AS AMENDED BY HOUSE AMENDMENT "A" (H-418)** thereto, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388) AS AMENDED BY HOUSE AMENDMENT "A" (H-418)** thereto, **AND HOUSE AMENDMENT "A" (H-521)** in **NON-CONCURRENCE.**

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

Non-concurrent Matter

Bill "An Act to Promote Proper Animal Health Care and to Regulate the Purchase and Sale of Hypodermic Needles and Syringes"

H.P. 740 L.D. 998
(H "A" H-462)

In Senate, May 28, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-462),** in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-462) AND "B" (H-495)** in **NON-CONCURRENCE.**

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Clarify the Powers and Duties of Municipal Officials of the New Town of Long Island" (Emergency)

H.P. 1014 L.D. 1360

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

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

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

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

The Committee on **STATE & LOCAL GOVERNMENT** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1993 (Emergency)

H.P. 1145 L.D. 1544

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 115).

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

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

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

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT & VETERANS** on Bill "An Act Concerning Rights and Privileges for Maine Veterans of the Persian Gulf War"

H.P. 787 L.D. 1060

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-515)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-515) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Regarding Dam Registration Fees"

H.P. 173 L.D. 225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-505) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Confirm when Site Location of Development Approval Is Unnecessary" (Emergency)

H.P. 640 L.D. 871

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-504)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-504) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990"

H.P. 963 L.D. 1294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-534)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-534) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews" (Emergency)

H.P. 1073 L.D. 1439

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-536)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-536) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act Related to the Site Location of Development Laws"

H.P. 1105 L.D. 1492

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-532) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Establish Parity in Medicaid Reimbursement Among Licensed Master Social Workers, Licensed Social Workers, Licensed Clinical Professional Counselors and Licensed Professional Counselors"

H.P. 89 L.D. 119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-513)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-513) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Encourage Fair Medicare Payments to Hospitals and to Promote Management Improvements and Planning by Hospitals and for Related Purposes"

H.P. 602 L.D. 817

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-514)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-514) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government"
H.P. 845 L.D. 1150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-512)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-512) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the Laws Regarding Home Baby-sitting Services and to Provide Rules for Licensing Fees for Day Care Facilities, Nursery Schools and Home Baby-sitting Services"
H.P. 890 L.D. 1204

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-511)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-511) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Concerning the Structure of the State Court Library Committee and the System of State Law Libraries"
H.P. 226 L.D. 294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-523)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-523)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-523) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Concerning Juvenile Offenders"
H.P. 660 L.D. 898

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-524)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-524) **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 Adopting the Uniform Management of Institutional Funds Act"
H.P. 796 L.D. 1082

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-509) **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 Regarding the Collection of Medical Payments for an Absent Parent When a Court Order Exists"
H.P. 939 L.D. 1268

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-508) **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 Clarify Child Support Laws" (Emergency)
H.P. 996 L.D. 1337

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-510)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-510) **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 Require Immediate Income Withholding for All Child Support Orders" (Governor's Bill)
H.P. 1098 L.D. 1485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-531)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-531) **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 Clarify the Maine Administrative Procedure Act"
H.P. 329 L.D. 417

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-526)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-526)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-526) **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 Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government" (Emergency)
H.P. 574 L.D. 779

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-530)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-530) **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 Allow for the Recall of Municipal Officials"

H.P. 998 L.D. 1339

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-527)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-527) **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 Strengthen the Public Disclosure of Lobbying Activities"

H.P. 1038 L.D. 1390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-528)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-528) **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 Provide Access to Landlocked Property"

H.P. 1051 L.D. 1403

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-529)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-529) **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 Place Appropriate Citations to Various Boards and Commissions within the Maine Revised Statutes, Title 5, Sections 12004-A to 12004-L"

H.P. 1089 L.D. 1468

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-481)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481) AND HOUSE AMENDMENT "A" (H-549)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-549) **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 **TRANSPORTATION** on Bill "An Act to Amend Certain Motor Vehicle Laws"

H.P. 1057 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-506)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-506) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **AUDIT & PROGRAM REVIEW** on Resolve, to Establish the Commission on the Status of Alleged Child Abusers (Emergency)
H.P. 991 L.D. 1322

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-525)**.

Signed:

Representatives:

- LEMKE of Westbrook
- HALE of Sanford
- DAGGETT of Augusta
- TOWNSEND of Eastport
- DEXTER of Kingfield
- FARNUM of South Berwick
- ERWIN of Rumford
- STEVENS of Sabattus
- MURPHY of Berwick

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

Signed:

Senators:

- CLEVELAND of Androscoggin
- LUTHER of Oxford
- BEGLEY of Lincoln

Representative:

- BARTH of Bethel

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525)**.

Which Reports were **READ**.

The Minority **UGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Establish a Registration System for General Contractors"
H.P. 984 L.D. 1315

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

Signed:

Senators:

- CIANCHETTE of Somerset
- BUSTIN of Kennebec
- MARDEN of Kennebec

Representatives:

- CLEMENT of Clinton
- HOGLUND of Portland
- REED of Dexter
- LIBBY of Kennebunk
- WINN of Glenburn
- THOMPSON of Lincoln
- ST. ONGE of Greene
- HILLOCK of Gorham
- VIGUE of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-539)**.

Signed:

Representative:

- CAMERON of Rumford

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

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Expand the Applicability of Certain Energy Standards"
H.P. 355 L.D. 458

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

Signed:

Senators:

- CIANCHETTE of Somerset
- LUDWIG of Aroostook

Representatives:

- GOULD of Greenville
- CONSTANTINE of Bar Harbor
- POULIN of Oakland
- LORD of Waterboro
- ANDERSON of Woodland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-502)**.

Signed:

Senator:

- LAWRENCE of York

Representatives:
JACQUES of Waterville
WENTWORTH of Arundel
COLES of Harpswell
MITCHELL of Freeport
MARSH of West Gardiner

Comes from the House with the Majority **OUGHT 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.

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Improve Markets for Chlorine-free Paper Products"

H.P. 1063 L.D. 1431

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-503).

Signed:

Senator:
LAWRENCE of York

Representatives:
JACQUES of Waterville
MITCHELL of Freeport
CONSTANTINE of Bar Harbor
COLES of Harpswell
WENTWORTH of Arundel
MARSH of West Gardiner

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

Signed:

Senators:
CIANCHETTE of Somerset
LUDWIG of Aroostook

Representatives:
LORD of Waterboro
POULIN of Oakland
ANDERSON of Woodland
GOULD of Greenville

Comes from the House with the Minority **OUGHT 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.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Strengthen the Enforcement of the Civil Rights and Sexual Harassment Laws"
H.P. 1032 L.D. 1384

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-507).

Signed:

Senators:
CONLEY of Cumberland
BERUBE of Androscoggin

Representatives:
FAIRCLOTH of Bangor
COTE of Auburn
PLOWMAN of Hampden
LIPMAN of Augusta
OTT of York
SAXL of Bangor
KETTERER of Madison
CARON of Biddeford
CATHCART of Orono
FARNSWORTH of Hallowell

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

Signed:

Senator:
HANLEY of Oxford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-507).

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **UTILITIES** on Bill "An Act to Require Provision of Information to Consumers by the Public Utilities Commission"
H.P. 925 L.D. 1248

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

Signed:

Senators:
VOSE of Washington
CLEVELAND of Androscoggin
CARPENTER of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-493).**

Signed:

Representative:

COFFMAN of Old Town

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

Which Reports were **READ**.

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

Senate

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create a State Municipalities Investment Pool"

S.P. 298 L.D. 884

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

Signed:

Senators:

BERUBE of Androscoggin
BUTLAND of Cumberland

Representatives:

BENNETT of Norway
GRAY of Sedgwick
WALKER of Blue Hill
LOOK of Jonesboro
YOUNG of Limestone
ROWE of Portland
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270).**

Signed:

Senator:

ESTY of Cumberland

Representatives:

KILKELLY of Wiscasset
JOSEPH of Waterville
AHEARNE of Madawaska

Which Reports were **READ**.

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Amend the Laws Governing Legislative Ethics"

S.P. 321 L.D. 974

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

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

BENNETT of Norway
WALKER of Blue Hill
LOOK of Jonesboro
ROWE of Portland
AHEARNE of Madawaska
GRAY of Sedgwick
YOUNG of Limestone

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-271).**

Signed:

Senators:

ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

JOSEPH of Waterville
DUTREMBLE of Biddeford

Which Reports were **READ**.

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

ENACTORS

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

An Act to Provide Immunity for Private Physicians in Public Hospitals

S.P. 266 L.D. 803
(C "A" S-196; H "A" H-480)

An Act to Modify the Fuel Clause for Electric Utilities

H.P. 603 L.D. 818
(C "A" H-472)

An Act Regarding County Contingent Account Limits
S.P. 286 L.D. 856
(H "A" H-500 to C
"A" S-116)

An Act to Create the Maine Criminal Justice
Information System
H.P. 851 L.D. 1156
(C "A" H-488)

An Act to Amend the Laws Related to Concealed
Weapon Permits
H.P. 951 L.D. 1280
(H "A" H-479 to C
"A" H-402)

An Act to Abolish the Castine Water District
H.P. 1006 L.D. 1352
(H "A" H-455 to C
"A" H-344)

An Act to Bring State Water Quality Law into
Compliance with Federal Requirements
H.P. 1119 L.D. 1518
(C "A" H-444)

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 Clarify Maine Election Laws
S.P. 268 L.D. 805
(C "A" S-207)

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

An Act to Create the Maine Job Growth Fund
S.P. 357 L.D. 1071
(C "A" S-246)

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

An Act to Amend the Sexual Assault Laws
H.P. 823 L.D. 1109
(C "A" H-486)

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

An Act to Ensure Prompt and Equitable Payment for
Construction Services
S.P. 457 L.D. 1424
(C "A" S-253)

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

An Act to Establish a Capital Access Program
S.P. 469 L.D. 1461
(C "A" S-245)

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

An Act to Promote Long-term Economic Growth
H.P. 1088 L.D. 1467
(C "A" H-494)

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

An Act to Establish the Penobscot County Budget
Advisory Committee
H.P. 1050 L.D. 1402
(C "A" H-482)

Comes from the House with Bill and Accompanying
Papers **INDEFINITELY POSTPONED**.

Which was **PASSED TO BE ENACTED** and signed by
the President in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolve

Resolve, Authorizing the Conveyance of Certain
Public Lands in Gray (Governor's Bill)
S.P. 496 L.D. 1516
(C "A" S-249)

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

Mandate

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

H.P. 443 L.D. 569
(H "A" H-465)

This being a Mandate and in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **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 Relating to the Maine Dairy Industry

H.P. 591 L.D. 806
(H "A" H-458 to C
"A" H-303)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 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 Regarding Appeal Periods in District Court Civil Cases

S.P. 312 L.D. 945
(C "A" S-244)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with No Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

An Act to Amend the Child Labor Laws

H.P. 822 L.D. 1108
(C "A" H-484)

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

Emergency

An Act Concerning Tribal Protection Orders

H.P. 1053 L.D. 1405
(C "A" H-442)

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

Emergency

An Act to Increase the Revenues of the Board of Examiners of Podiatrists

H.P. 1125 L.D. 1524
(C "A" H-490)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in the negative, and 28 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

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

H.P. 572 L.D. 777
(H "A" H-477 to C
"A" H-301; H "A"
H-328)

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

Emergency Mandate

An Act to Amend the Laws Governing the Knox County Budget Committee

H.P. 1075 L.D. 1441
(C "A" H-492)

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Related to the State Valuation of the Town of Mexico" (Emergency)

S.P. 432 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-272).**

Signed:

Senators:

BALDACCI of Penobscot
 CAREY of Kennebec
 SUMMERS of Cumberland

Representatives:

DORE of Auburn
 TARDY of Palmyra
 DIPIETRO of South Portland
 RAND of Portland
 HOGlund of Portland
 FARNSWORTH of Hallowell
 SIMONEAU of Thomaston

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

Signed:

Representatives:

NADEAU of Saco
 MURPHY of Berwick
 SPEAR of Nobleboro

Which Reports were **READ.**

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

The Bill **READ ONCE.**

Committee Amendment "A" (S-272) **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.

HELD BILL

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

Senator **SUMMERS:** Mr. President, is the Senate in possession of "An Act Authorizing Presidential Preference Primary Elections in the State" H.P. 114, L.D. 156?

THE PRESIDENT: The Chair would answer in the affirmative. The Bill having been held at the Senator's request.

Senator **SUMMERS** of Cumberland moved that the Senate **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

An Act Authorizing Presidential Preference Primary Elections in the State

H.P. 114 L.D. 156
 (C "A" H-401)

(In Senate, June 2, 1993, **PASSED TO BE ENACTED**, in concurrence.)

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

On further motion by same Senator, Tabled until Later in Today's Session, pending motion by same Senator to **RECONSIDER ENACTMENT.**

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

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

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

COMMUNICATIONS

The Following Communication:

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

June 3, 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 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228):

Representative MITCHELL of Freeport
Speaker MARTIN of Eagle Lake
Representative BENNETT of Norway

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

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

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 **TAXATION** on Bill "An Act to Clarify the Laws Related to State Tax Increment Financing"

H.P. 704 L.D. 956

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-571)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-571) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Amend the ASPIRE Program"
H.P. 1118 L.D. 1513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-564)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-564) **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.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act Concerning Stalking"

H.P. 1147 L.D. 1546

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 957).

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

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

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

Ought to Pass As Amended

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection's Bureau of Hazardous Materials and Solid Waste Control" (Emergency)

H.P. 1113 L.D. 1509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-572).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-572).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-572) **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.

Off Record Remarks

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 **BANKING & INSURANCE** on Bill "An Act to Amend Statutory Provisions Regarding Risk Management Funds" (Governor's Bill)

H.P. 1086 L.D. 1465

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-553).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-553) **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 **EDUCATION** on Bill "An Act to Establish the Maine Youth Apprenticeship Program" (Governor's Bill)

H.P. 1136 L.D. 1536

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-547).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-547) **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.

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 **HUMAN RESOURCES** on Bill "An Act to Promote Maximum Independence of Older People"

H.P. 330 L.D. 418

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-559).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-559) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act Repealing Advisory Boards on Human Resources"
H.P. 807 L.D. 1093

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-560)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-560)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-560) **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.

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 **AGING, RETIREMENT & VETERANS** on Bill "An Act to Amend Laws Administered by the Maine State Retirement System"
H.P. 922 L.D. 1246

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-562)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-562)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-562) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HUMAN RESOURCES** on Bill "An Act to Increase the Availability of Funding for Health Care"

H.P. 879 L.D. 1193

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-561)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-561) **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.

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 **HUMAN RESOURCES** on Resolve, to Provide Savings in the Elderly Low-cost Drug Program
H.P. 543 L.D. 739

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-573)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-573)**.

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

The Resolve **READ ONCE**.

Committee Amendment "A" (H-573) **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.

On motion by Senator **PARADIS** of Aroostook, 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 **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-573), in concurrence.

On further motion by same Senator, Tabled Unassigned, pending **ADOPTION** of Committee Amendment "A" (H-573), in concurrence.

Off Record Remarks

Senate at Ease

Senate called to order by the President.

The Committee on **TAXATION** on Bill "An Act to Amend the Maine Tree Growth Tax Law" H.P. 907 L.D. 1222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-574).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-574).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-574) **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.

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 **ENERGY & NATURAL RESOURCES** on Bill "An Act Regarding Automobile Air Emission Standards" H.P. 561 L.D. 758

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-533).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533).**

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

The Bill **READ ONCE.**

Committee Amendment "A" (H-533) **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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Concerning the Operation of Agency Liquor Stores" (Governor's Bill) (Emergency) S.P. 157 L.D. 488 (C "A" S-243)

In Senate, June 1, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-243).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-243) AS AMENDED BY HOUSE AMENDMENT "B" (H-552)** thereto, in **NON-CONCURRENCE.**

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

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 **TRANSPORTATION** on Bill "An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate" S.P. 222 L.D. 693

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

Signed:

Senators:
BRANNIGAN of Cumberland
PARADIS of Aroostook

Representatives:

O'GARA of Westbrook
STROUT of Corinth
PLOURDE of Biddeford
BAILEY of Township 27
RICKER of Lewiston
BAILEY of Farmington
DRISCOLL of Calais
HUSSEY of Milo
MARTIN of Van Buren
MELENDY of Rockland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-274).**

Signed:

Senator:

GOULD of Waldo

Which Reports were **READ.**

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

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 2, 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:

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 2, 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 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 2, 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.**)

Which was **PASSED TO BE ENACTED** and signed by the President, in concurrence.

(See Action Later Today)

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 2, 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 until Later in Today's Session, 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 2, 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 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 - Motion by Senator **CLEVELAND** of Androscoggin to **ADOPT** Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343)

(In Senate, June 2, 1993, Senate Amendment "B" (S-266) to 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 **CLEVELAND** of Androscoggin, Tabled until Later in Today's Session, pending motion by same Senator to **ADOPT** Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343).

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 2, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **HARRIMAN** of Cumberland to **ADOPT** Senate Amendment "A" (S-247) to Committee Amendment "A" (S-198)

(In Senate, June 2, 1993, Senate Amendment "A" (S-247) to Committee Amendment "A" (S-198) **READ.**)

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

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was wondering if someone could explain Senate Amendment "A" before we adopt it. Thank you.

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

Senator **ESTY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. In response to the question I would say that this issue deals with tourism, deals with supporting tourism and is revenue neutral. It was discussed at great length today in our caucus. Thank you.

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I, too, along with the Senator from Cumberland, Senator Conley, would like to have the finance mechanism explained in this amendment. This is, in my opinion, a major financial departure from the norm and I would like to have it explained to the body. Thank you.

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

Senator **PINGREE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would be happy to do my best to explain Senate Amendment "A", which deals with the funding mechanism on this Bill. This is under the filing number S-247, if you have any specific questions it might be helpful to pull it out because it is, in my opinion, very complex to try and understand this. What is being done, after several conversations with Taxation, the Office of the Budget, and just about everybody we could talk to about this, because we were trying to find a way to make this revenue neutral so that the marketing dollars invested here, in tourism, would be returned to the State as revenues through sales tax receipts from meals and lodging. What is going to be done is, over the course of the biennium, we will start with a Tourism Marketing Fund of \$2,200,000 from General Fund unappropriated surplus. It will be put into this fund on July 1, then any receipts and revenues received that are over the projection from sales taxes for meals and lodging, will be deposited back into this fund, basically to pay it back over the biennium. If sufficient money is received to pay back this fund, then in the second year of the biennium not as much money will be advanced to market tourism. Given the results of two studies that Senator Harriman mentioned yesterday, it said that most states that invest this kind of money in tourism marketing get an eight to one, or a three to one refund received. We feel that it is completely reasonable to suggest that a one to one return on our investment will be received. I know many people are concerned about investing money in tourism when we are having to make cuts all over the place, in education and nursing homes, lots of serious cuts that we are not comfortable about. The Housing and Economic Development Committee spent a lot of time this year, looking for ways to increase revenues and we have several other Bills that we hope will be passed that deal with small business loans, that deal with education and retraining. We fully support funding education and a lot of long term investments, this is an investment we feel can be made right now to return jobs to the State this year. We feel it is an important way to put forward some marketing dollars and we think we will see this return on the investment. Thank you.

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I know how much difficulty I am probably causing for people who are on that Committee but I just want the Senate to be aware of the new mechanism that is being used to fund a Bill. I'm going to support the Bill but it is troubling to me, to some degree, because what it says is if you pass the Bill the State will advance forward some money and then you will pay it back by additional revenues that this Bill will cause, so that if you advertise for and promote tourism, and it does come into the State, any money that you would normally have expected to receive, in the form of tourism, will now go to pay back this and promote tourism. That is Maine's second largest industry and it's important to us, there is no question about that, I'm only worried about the precedent that it sets in other areas of people who will sponsor a Bill and say it will generate money and the money that it generates will be dedicated to this purpose to keep it going forever. I just want the Senate to be aware that it further compartmentalizes and dedicates State revenue. 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'd like to pose a question to the gentleman from Penobscot, Senator Pearson, if I may. If the good Senator knows, does this, in fact, circumvent the Appropriations Table?

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 Penobscot, Senator Pearson.

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. First of all I want to say again that I am going to vote for this Bill, I think it is important to the economy and all that. It is a way to fund a program that is vital to this State and on its face it is meritorious, there is no question in my mind. It does, because it generates its own revenue, not need to go on the Appropriations Table. Thank you.

On motion by Senator **HARRIMAN** of Cumberland, Senate Amendment "A" (S-247) to Committee Amendment "A" (S-198) **ADOPTED**.

Committee Amendment "A" (S-198) As Amended by Senate Amendment "A" (S-247) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

Bill "An Act Regarding Lobbying"

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

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

Pending - Motion by Senator **BERUBE** of Androscoggin to **ADHERE**

(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 requested and received Leave of the Senate to withdraw her motion to **ADHERE**.

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

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** Committee Amendment "A" (S-183) As Amended by House Amendment "A" (H-423) thereto, in concurrence.

House Amendment "B" (H-498) to Committee Amendment "A" (S-183) **READ**.

On motion by Senator **BERUBE** of Androscoggin, House Amendment "B" (H-498) to Committee Amendment "A" (S-183), **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECEDED** from its action whereby it **ADOPTED** House Amendment "A" (H-423) to Committee Amendment "A" (S-183), in concurrence.

On further motion by same Senator, House Amendment "A" (H-423) to Committee Amendment "A" (S-183), **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-183) in **NON-CONCURRENCE**.

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

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

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

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

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

(In Senate, June 2, 1993, **READ A SECOND TIME**.)

On motion by Senator **FOSTER** of Hancock, Senate Amendment "A" S-273) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Under suspension of the Rules, all matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

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

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

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**.)

Senator **CAREY** of Kennebec requested and received Leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** Bill and Accompanying Papers.

Senator **CIANCHETTE** of Somerset moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As Chair of the Audit and Program Review Committee, I have had the pleasure of reviewing a number of Boards and Agencies during this term. One of the things I have learned is the primary and only function of a Board or Agency of Regulation is to protect the public health and interest. I'd like to pose a question to anyone who would care to answer, how this accomplishes that goal of protecting the public health and interest, by registering the certification of interior designers. Thank you.

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the question, the public interest is best served by having someone with his own seal stamp the plans, rather than going through the seal of an architect. It fixes the responsibility much better. Thank you.

On motion by Senator **CIANCHETTE** of Somerset, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-265) **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.

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

HOUSE REPORTS - from the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Expand the Applicability of Certain Energy Standards"
H.P. 355 L.D. 458

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-502)**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ**.)

(In House, June 2, 1993, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Strengthen the Enforcement of the Civil Rights and Sexual Harassment Laws"
H.P. 1032 L.D. 1384

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-507)**

Minority - **Ought Not to Pass**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ**.)

(In House, June 2, 1993, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**.)

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

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

Senator **HANLEY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I wasn't sure whether or not I should bring my slingshot with me this morning, for the old David versus Goliath 12 - 1 Report, or whether or not I should bring my hammer. My hammer symbolizing another nail in the coffin of small business. I'll leave it up to you as far as which one I should have brought as the morning goes on. This Bill, innocuous though it may seem, having been even further diluted by the Committee down to a place where at least 12 people could sign on, still troubles me greatly. Why does it trouble me? Because what we are requesting of business to compete, to operate in the State, is beyond the realm, as far as the amount of paperwork that they need to generate just to operate a business, to make widgets, to sell widgets. The paperwork is incredible, now what we are asking the people of the State of Maine to do is to file a plan, their affirmative action plan, now the law does require them to have some type of plan, it does require them at this point in time for that plan to be written, this would require them to have written plan. If you look closely at the statute, it says that you have to have a plan which will somehow overcome any affirmative action needs of your business. Realistically, someone should revise their plan on a biannual basis, every three months, every six months, the amount of work that would need to be done to put it into print and then to file it with the State, starts making me wonder what other hoops and hurdles do we need the people of the State of Maine to go through. This does not apply, and I think it is a very important point to understand, this does not apply to just those businesses that have had a harassment suit filed against them. This is every business up to, as far as with the State, a contract of \$50,000 or more. Men and women of the Senate, it doesn't take much to get up to a \$50,000 contract with the State. They do not have to have a past record of harassment, they do, however, have to file this plan with the State upon submitting their proposal. Men and women of the Senate, what are we doing here? Are we going to continue to increase the weight on the back of the small business? To me, the backbone of our State is, in fact, the small business person. The small business person who doesn't have a separate policy person, a separate secretary who handles all of the paperwork but in fact does the paperwork themselves on the weekends, stays until 9:00 or 10:00 at night to finish this paperwork, not to do their business but just to fill in all of the paperwork that is required to operate in the State of Maine. Where are we going, where are we at? I think we are going in the wrong direction if this passes through. If there is a harassment claim filed against any of these businesses they will go through the proper channels. Their plan will be reviewed at

that time and I think that is appropriate, to have them file a plan just to submit a contract or a proposal with the State just doesn't seem to make sense. As I said, I think this is another nail in the coffin of small businesses and I just want to make sure that everyone in this chamber is aware of what they do here this morning if they vote in favor of this. For that reason I would ask that you vote against this Bill. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to my good friend from Oxford, Senator Hanley, we diluted this Bill and made it innocuous enough for everybody on the Committee except him. Although I respect his opinion, this amendment is such a far cry from where we began with the original Bill that I would have to disagree strongly with the remarks he made in reference to what kind of message this sends to business here in the State of Maine. If you look at the amendment, it is very simple, I think here in the State of Maine, when we award a contract to somebody for \$50,000 or more, we ought to know that they are a good employer and they are practicing fair employment policies. That they are in effect and that they are in writing. We require our DOT contractors to submit their plans, this would merely require a successful contractor in this area to submit his or her plan, it is really a very minor Bill. It will give the State an idea of what kinds of plans are out there and how well they are operating. For those reasons I hope you will support the twelve other members of the Judiciary Committee. 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. My question to the chamber is how many grains of sand does it take to make a ton? A million grains of sand? A billion grains of sand? A billion and one grains of sand? True, the good Senator from Cumberland is absolutely right, this really is fairly innocuous, and as compared with all of the requirements that businesses have to file, with all of the various plans and paperwork that they need to file, this is just one tiny grain of sand. My question to you, men and women of the Senate, how many more grains of sand can we pile onto the back of small business? If I, as a small business person, have a reason to have a complaint lodged against me, then I would have to bring forward, through the affirmative action program of the Maine Human Rights Council, what my plan was and how I was implementing it. If it is not a problem now why do we have to foster another requirement onto them. I think it is important to note that the current law requires that you have a plan, it states nothing about the extensiveness of the plan, whether it needs to be reduced down to writing, it basically says as a good faith effort on the part of your business that you have a plan, that you have an idea as far as how you are going to address this. To reduce it to writing, to have them file it with an Affirmative Action Coordinator, I think is another grain of sand, small though it may be, it is another grain of sand and another burden on small business. A burden that I don't think is appropriately placed. Mr. President, when the vote is taken I request a Roll Call.

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

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am a cosponsor of this Bill and as the good Senators have pointed out it was much stronger in its original form and it was submitted by the person and the other body and the rest of us to address a problem. The problem that it seeks to address can be found if you read the nice little reports that come out from the Department of Labor Information Service, April 1992. In that issue, one page, front cover, not hard to read, it is an analysis of what happened to people during the '80's and particularly what happened to female head of families during the '80's. What happened is not a pretty picture, what happened is that the fastest growing family type, living in poverty was female head of families. What happened during the '80's was that the number of female head of families in poverty, living in Maine, grew by 30%, and that kind of family, the female head of family, twice as many of those families were living in poverty than any other kind of family. There is an issue with whether our economic development efforts raise all ships, that is an issue, it is a public policy issue that all of us ought to be concerned with. So we put in a Bill, not as the Senator from Oxford would imply, that requires across the board, all businesses to have affirmative action plans, but only to ask those businesses who want to get the State's money, who want to get the money of the taxpayers of the State of Maine, taxpayers who we also ask, with the other hand, to pay the welfare bills and to pay the Medicare bills, which the increasing number of female head of families in poverty is causing to skyrocket and become one of our big budget busters. We are asking that what little the State can do with its contracts, that it do, and the Bill before you I will support. It is way more watered down than I would support. It just merely asks that any business that wants to get the State's money, the taxpayer's money, be thinking about affirmative action and whether its workforce reflects the workforce of the County and the community that it does business in. Let's remember affirmative action means only that. Affirmative action plan means that a business is thinking about ways and writing them down, to make its workforce look like the workforce in Maine. I submit to you that that is just an essential level playing field requirement for any contractor that we give the taxpayer's money to. I hope that we will be supporting the bipartisan Majority Ought to Pass Report, though it is only a first step. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair. Is this amendment germane to the Bill? Thank you.

THE PRESIDENT: The Chair would answer in the affirmative. Committee Amendment "A" (H-507) is germane. The Chair recognizes the Senator from Hancock, Senator Foster.

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. May I pose a question through the Chair? Would this apply to all of the vendors in the State who do business selling

anything to the State, or even the people who print our ballots and food and paper and everything? Would that include all of those?

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This would apply to some 800 successful contract bidders who are awarded contracts in excess of \$50,000. It would apply to them only once in that once they submit their plan they never have to submit it again. Thank you.

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

Senator **CARPENTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to any Senator that cares to answer. I'm going to recite the way I understand part of the Bill and if I'm wrong you can correct me. If a contractor is building a new building for the State, for several million dollars, he might have 20 subcontractors, 30 subcontractors, I read the Bill that the prime contractor is responsible for gathering all subcontractor's affirmative action plans and then submitting it with his before he can start work, which maybe the State would like to have him start work sooner also. Thank you.

THE PRESIDENT: The Senator from York, Senator Carpenter, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In answer to the good Senator's question, the amendment is very simple. If the subcontractor has a contract directly with the State then he or she would be responsible for filing his or her plan as long as that contract is in excess of \$50,000. 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 think it is important that we clarify exactly what we are asking. My interpretation of the amendment before you is that each subcontractor working for the contractor, whose level of work is \$50,000 or more, will also have to submit their affirmative action plan. It will finally be the contractor who is responsible for making sure that all of these other affirmative action programs are in. That is my reading of the bill. Thank you.

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

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose another question through the Chair. These 800 plans are coming forward, are they to be reviewed, are they to be filed? Is there a fiscal note? What happens to all of these plans? Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. To answer that question, and another one also, first of all contractors have already sworn that they have these plans. In order to get a successful bid you have to swear that you have one, so that is an answer to the point raised by the good Senator from Oxford, they are supposed to be in existence. The second part of this amendment requires that these plans be filed with the State Affirmative Action Officer, and that they be assembled in such a way that they can be reviewed and presented to the Council to give the people of the State of Maine an idea as to what kinds of plans are out there. So that is the second portion of the Bill. There is no fiscal note attached to it, it says it can be absorbed within available resources. Thank you.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators AMERO, BALDACCI, BERUBE, BRANNIGAN, BUTLAND, CAREY, CLEVELAND, CONLEY, ESTY, HANDY, LUTHER, MCCORMICK, O'DEA, PARADIS, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BEGLEY, CAHILL, CARPENTER, CIANCHETTE, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PEARSON, SUMMERS, WEBSTER

ABSENT: Senators BUSTIN, LAWRENCE

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **CONLEY** of Cumberland, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-507) **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, with the exception of those matters being held, were ordered sent down forthwith for 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 Amend the Laws Governing Legislative Ethics"

S.P. 321 L.D. 974

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-271)**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ**.)

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

Senator **ESTY** 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. I am a sponsor of this Bill and it came about after the joint session we had and the Assistant Attorney General, Cab Howard, spoke to us on ethics. Sure, everyone knows the reason why we had that meeting on ethics, it dates back and I'm not going to bother to bring that up here at this time, but it was quite familiar. We were told at that seminar that if we were to accept token gifts, any gifts, meals, a cup of coffee, a donut or whatever, that we were in violation of a criminal law. I talked this around a little bit and there is probably, I haven't been keeping a list of who has been accepting meals or whatever, I stand before you and tell you that I have broken the law and I don't think that is right. We are asked to, it seems like daily on our desk appears magazines, newspapers that we do not solicit, but we do not write back and tell them please don't send those because if I pick that up I am breaking the law. I think it is important that we are as informed as we can possibly be from whatever area. I am simply trying to do what is right with this particular Bill. I keep hearing that I should not accept anything that is not available to the general public. Well, I think perhaps if I am unable to accept something free, be it a meal or a newspaper, the public surely has that option do they not, to accept it if they so wish. None of us are naive enough to believe that because of a meal or a paper or a magazine that we are being bribed. I'm not trying to imply that at all because that is surely not true. It bothers me that there is a criminal statute that says that we cannot do this and I think that we should change it. If we are not prepared to change it, if we are not prepared to pass this piece of legislation, anyone that votes against this should be prepared not to accept anything from

henceforth. It is as simple as that. I would urge you, sincerely, to vote against the pending motion of Ought Not to Pass. 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. Currently the legislature, as a whole, is precluded by law from accepting any meals whatsoever. This Bill would allow meals to be accepted. I think the public perception of the legislature and other elected bodies is that we live high and we don't, in fact. That we accept meals, dinners, banquets, at the drop of a hat, that we accept invitations and that we indulge and as a result that makes us tools of the lobby. That is the perception and I think if we continue by allowing it through legislation to allow us to accept meals, indeed, we will not diffuse that perception. I think that we are not here to accept meals, we are here to legislate and work in the best interest of the people who sent us up here. Most of the time the people that we serve are not invited to this type of meal, so that is the reason I voted against the Bill. I think we should leave things as they are currently, that we are not supposed to accept meals. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. We are sent here to legislate and every once in a while, in the course of our legislative duties, whether it is the seminar that the Maine Chamber put on a month ago down in the Hall of Flags, where they presented us with some information so that we could make judgements, and sound opinions, and sound decisions. They offered us a meal, which was illegal. I think there were a lot of legislators there and I didn't too many of them paying for that meal. It was a matter of convenience. Certainly, the people from Senate District 27, don't think that their Senator, because he goes to the Grange on an annual basis to accept their hospitality, that he is going to vote any differently on any of the Bills that the Grange might take an interest in, whether it be a farm Bill or a BST Bill or any other Bill. It's a matter of convenience many times and it's a matter of being sociable at other times. I don't see the problem. 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.

A Division has been requested.

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

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

6 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-271) **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, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

Off Record Remarks

On motion by Senator **PEARSON** of Penobscot the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State

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

Tabled - May 27, 1993, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, May 21, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-172).**)

(In House, May 26, 1993, **PASSED TO BE ENACTED.**)

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

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill originally passed in the Fish and Wildlife Committee with a unanimous Report, because we were told by the Department that the cost of the Bill would be insubstantial. Their expert was not there, Colonel Vernon had a dire and serious personal catastrophe at home and he was not there during the hearing. When he came back, and was made aware of the Bill, he said it would be a very expensive Bill. Giving us the worst case scenario it could be as much as \$300,000 which would have to come, of course, from our fee

Bill. Seeing as the fee Bill is really pretty well earmarked to put Wardens in the field, the Committee is not even willing to lose one Warden to fund this Bill. We had another meeting and voted unanimously to withdraw support from the Bill. We did apologize, and I do apologize to the prime sponsor of the Bill, Senator Paradis from Aroostook. It was an unavoidable mistake and we are sorry. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to just add to that that being a member of the Fish and Wildlife Committee, I agree totally with what Senator Luther has said and the fiscal note that is attached to this, we may not lose the total \$300,000 but we surely could lose a large percentage of that, \$150,000 or \$200,000, whatever the loss would be would be more than the Committee has planned on for the safe continued operation of the Fish and Wildlife Committee for the next four or five years. I definitely would urge that you all support the Indefinite Postponement of this Bill. 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 is with great reluctance that I am forced to let this Bill go. Unfortunately I felt that the Department treated us very shabbily in this matter. I do appreciate the work that the Committee did over and over with this Bill. I think the message has been gotten to the Department that a lot of constituents have serious problems and hopefully they will be addressing them. Thank you.

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

Senator **FOSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I think this is a good time to bring something to your attention that is going to happen with some Bills on the Appropriations Table that show a fiscal note because when you have passed these wonderful Bills you pass on the cost to the court because you made a class A, B, C, D, or mostly E crime. In defense of that, that money comes out of the General Fund and I think that those of you working on dedicated revenues were very convinced that this was not the time to use your dedicated revenues on that reason, my hope is that when we do the same with some of these other Bills, you are as compassionate and think about that too. That is what is happening to many of these Bills and the Court system, of course, is overburdened at the time and we will be looking at that very strongly. Thank you.

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

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

Off Record Remarks

On motion by Senator **BERUBE** of Androscoggin, **RECESSED** until 4:00 this afternoon.

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

After Recess

Senate called to order by the President.

HELD BILL

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

Senator **ESTY:** Mr. President, is the Senate in possession of L.D. 828?

THE PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the Senator's request.

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)

(In Senate, June 3, 1993, **PASSED TO BE ENACTED**, in concurrence.)

On motion by Senator **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, Tabled until Later in Today's Session, pending **ENACTMENT**.

Off Record Remarks

Senator **LUTHER** of Oxford was granted unanimous consent to address the Senate off the Record.

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

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

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 **TAXATION** on Bill "An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake" (Emergency)
H.P. 972 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-569)**.

Comes from the House with the Report **READ** and the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **TAXATION**.

Which Report was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-569) **READ** and **ADOPTED**.

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:

ENACTORS

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

An Act to Amend the Maine Civil Rights Act Regarding Violations of Constitutional Rights
S.P. 425 L.D. 1334
(C "A" S-218)

On motion by Senator **LAWRENCE** of York, 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.

June 2, 1993

On further motion by same Senator, Senate Amendment "A" (S-264) **READ** and **ADOPTED**.

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

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

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1540 Resolve, Relating to Access for People with Disabilities

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

Sincerely,

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

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

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

COMMUNICATIONS

The Following Communication:

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

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 159 An Act to Prohibit Insurance Companies from Denying Coverage Based on Preexisting Conditions

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

Sincerely,

S/Sen. Dale McCormick S/Rep. Edward L. Pineau
Senate Chair House Chair

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

The Following Communication:

**COMMITTEE ON MARINE RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

L.D. 1423 Resolve, Directing That the State's Coastal Zone Management Program Be Amended to Include Monitoring of Shellfish Harvesting Areas by the Department of Marine Resources

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

The Following Communication:

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

Sincerely,

S/Sen. Harry L. Vose
Senate Chair

S/Rep. James Mitchell
House Chair

SENATE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Create a State Municipalities Investment Pool"

S.P. 298 L.D. 884

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

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-270)**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ.**)

The Following Communication:

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

June 2, 1993

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

Dear President Dutremble and Speaker Martin:

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

- L.D. 300 An Act to Increase Insurance Tax Premiums
- L.D. 390 An Act to Amend the Eligibility Requirements for the Maine Residents Property Tax Program
- L.D. 402 An Act to Amend the Percentage of Certain Taxes That are Paid by Banks
- L.D. 949 An Act to Require That Sales Tax on Extended Warranties and Extended Protection Plans Be Paid at the Time of Sale
- L.D. 1539 Resolve, to Study the Tax Assessment Practices of Municipalities Regarding Mobile Homes

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

Sincerely,

S/Sen. John E. Baldacci
Senate Chair

S/Rep. Susan E. Dore
House Chair

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

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

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today to ask you not to support the Majority Ought Not to Pass Report because I think it would be an error and would not be in the best interest of our local municipalities and the citizens of Maine. Let me give you several reasons why I believe that is so. This is a program by which local municipalities, at their option, it is a voluntary program, not mandatory, could choose to participate in an investment pool managed by the Maine Municipal Bond Bank to receive a higher rate of return on their unexpended funds that they are holding for some temporary period of time. This program currently has been in existence around the country for more than 15 years. 25 other States currently have the same or similar kinds of investment programs. There has been no problems recorded anywhere with any of the programs, with any of the municipalities ever losing any money or having any problems anywhere else. That can be documented. Also, this program has not reduced funds available for local investment anywhere in the other 25 states. No local bank has closed as a result of this investment pool, and no lack of economic development within those states have occurred because of this investment program. What this investment program would do is simply allow local municipalities, at their option, to participate by pooling their money into larger groups, rather than investing \$25,000 or \$50,000 they could go into a pool that has \$1 million in it and therefore receive a larger sum of money. These are all invested in legal investments, secure investments, as required by the law, and the funds are available at any time. Simply by a phone call to the bank, to the Maine Municipal Bond Bank, to transfer into the local municipality's account, so the funds are readily accessible, unlike a CD where you might have to tie the money up for three months or six months or a year and pay penalties if you withdraw it early.

Let me also give you a sense of the total amount of money that we are talking about here. In 1990, of the total amount of money that is likely to be invested in the pool, should all of the municipalities choose to participate at the usual rate, 2/10 of 1% of the entire deposit base of all of the banks in the State would be involved. We are not talking about huge amounts of deposit bases for the

ORDERS OF THE DAY

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

banks. This simply provides an opportunity for local municipalities, at their discretion, to choose to participate or not. It is unlike certain other funds, like the Fidelity funds, in that it makes it easy for municipalities to use. Many municipalities are smaller and don't have much full time staff or professional financial advisors or controllers, and therefore this allows them to participate in a much easier way to make sure that the fund is secure, that it is a legal investment as is required under the state law, and that it is easy to manage, so that they could choose to do that. I support it simply because I think it is a good idea, it makes some sense, it has the merits, it is being done in at least 25 other states across the country, including our neighbor New Hampshire. It seems to me that we ought to provide the opportunity, not the requirement, simply the opportunity to do that. We have argued here before, just last week, that there ought to be an open, competitive market. That is why some of us, including myself, supported banks being able to sell annuities. In this similar situation is an opportunity to provide a competitive market place where a Maine bank would compete and offer attractive rates as well. It would not disrupt any relationship with the local bank, they could still continue as they always have, it would simply provide another option. I think that is at least one of the things that we can do for our local municipalities with no harm or risk. It simply allows them an option in times when funds are scarce to get a little bit greater return and perhaps ease that burden somewhat on the local property tax payer or perhaps buy a few more school books for the kids who might not otherwise be able to afford them. I would urge you, once again, not to support the motion for passage of the Majority Report. 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. I hope you do support the Ought Not to Pass Report. All of the money that would be invested through the Municipal Bond Bank would go out of State, to start with, and this would certainly be harmful to the local, small, independent banks, and all of us have those. They are not all the Fleets and the Keys, many of them are still small independent banks who depend, on a large measure, on the local municipal governmental and quasi-municipal governmental units who deposit their accounts in the local banks. Municipalities currently, I am told, can now invest, if they choose, through organizations like the Fidelity, for example. The bait is that would collect perhaps 1% more return on their investment but that would be offset by the larger fees that would be imposed by these out of state concerns. I would hope that you would stick with the small banks who need the monies, the deposits, to continue making home loans locally, loans for small business people for renovations and this sort of thing. That was the main reason why the Majority of the people in our Committee supported the 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. Let me summarize once more. This has been going on for 15 years in 25 other states, small and large states, rural states, like our own. Not one local bank has been injured by this program anywhere else. There has been no evidence entered that this will hurt any of our local

banks and furthermore, any local community who has a relationship with a local bank and wishes to continue it is perfectly free to go ahead and do that. There may be some good reasons why they would like to do that, and this Bill would do nothing to disrupt any of that relationship whatsoever. It simply provides them with options to consider and they may well choose the relationship they have with the local bank has many benefits for the community that they wish to continue and have reason to do that. I would encourage them to do that if that is their judgement. It seems to me inappropriate that those communities who wish to have an opportunity to make a different decision should be precluded by us from being able to make that decision, based upon what they believe is appropriate and in the good interest of their local taxpayers who have given their money and wish to get the best return that they can from it as well, and have the option to do that. This has provided no adverse affect anywhere in the country in the past 15 years. I would think if there were any they would have shown up by now. Once again, I urge you not to support the Majority Ought Not to Pass Report. 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. Probably all of that is true. I would just like to say shop locally, these banks pay property taxes to the municipalities, they also pay personal property taxes. I'm afraid if we pass this Bill the town fathers, selectmen, might not really think of that. They will just go where they are getting a small percentage more in their funds and I think that we should keep the business in a locality in which it is being used. I don't think it has been brought up yet that also a lot of your municipalities go out for bids for tax and anticipation notes. These bids are usually provided by the banks right there in the municipalities. I believe we should give it the Ought Not to Pass. Thank you.

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise today as a member of the State and Local Government Committee and also to rise and agree with the good Senator from Androscoggin, Senator Cleveland. This is one of the times that Senator Berube and I have differed and I certainly respect her opinion. She has a very valid point in regard to this issue. However, it seems to me that this is an idea that has worked in many of the States across the country, it is voluntary, it gives an opportunity for local government, particularly the small towns to pool their investments in a way to save more money at a time when property taxes are hitting towns and the people who live in the small towns in a very hard way. This is a chance for us to increase competition that will serve the communities very well. I support this motion and I might also note, that in reference to what the good Senator from York, Senator Carpenter said, that there is no evidence in any of the other 25 States that do this that there has been any negative impact on the local banks. Thank you.

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

Senator **KIEFFER**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I really don't see any need or purpose to this Bill. You're talking about something that is never going to be a competitive item, one on one, in the local municipalities. You're talking about the interest that the Maine Bond Bank can pay as compared to what a local bank can pay. That is only a little small piece of the pie in municipal government. When we put our financial services in our community out to bid we don't include only the amount of money that we are going to have invested there, it includes our checking accounts, it includes tax anticipation notes, and certainly all of these items, put together, result in a much more attractive package than just sending some money down to the Maine Bond bank. Whether it is voluntary or not seems academic. It is only a very small part of the pie and therefore I don't think that it is very good legislation and I'll support the Ought Not to Pass. Thank you.

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

The Chair ordered a Division.

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

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

18 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

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

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 3, 1993, by Senator **SUMMERS** of Cumberland.

Pending - Motion by Same Senator to **RECONSIDER ENACTMENT**

(In Senate, June 2, 1993, **PASSED TO BE ENACTED**, in concurrence.)

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

Senator **CAREY**: Thank you Mr. President, Ladies and Gentlemen of the Senate. There was an amendment being prepared for this and apparently the person who is going to be presenting the amendment is not in the room. Maybe someone could table this to a little later. Thank you.

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

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate the Tabled and Later 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 3, 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**.)

Senator **ESTY** of Cumberland moved to Table 1 Legislative Day, pending **FURTHER CONSIDERATION**.

Senate at Ease

Senate called to order by the President.

Senator **ESTY** of Cumberland requested and received Leave of the Senate to withdraw his motion to Table 1 Legislative Day, pending **FURTHER CONSIDERATION**.

On further motion by same Senator; Tabled until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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 3, 1993, by Senator ESTY of Cumberland.

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

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

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

On motion by Senator BUSTIN of Kennebec, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-389), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-257) to Committee Amendment "A" (H-389) **READ** and **ADOPTED.**

Committee Amendment "A" (H-389) As Amended by Senate Amendment "A" (S-257) thereto, **ADOPTED** in **NON-CONCURRENCE.**

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

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

The Chair laid before the Senate the Tabled and 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 3, 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:

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

Tabled - June 3, 1993, by Senator ESTY of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-183) in **NON-CONCURRENCE**

(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.**)

(In Senate, June 3, 1993, **RECEDED.** Subsequently, House Amendment "A" (H-423) to Committee Amendment "A" (S-183) **INDEFINITELY POSTPONED**, in concurrence. House Amendment "B" (H-498) to Committee Amendment "A" (S-183) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**)

On motion by Senator ESTY of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-183) in **NON-CONCURRENCE.**

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

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

Off Record Remarks

On motion by Senator MCCORMICK of Kennebec, **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:

COMMUNICATIONS

The Following Communication:

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

June 3, 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 Agriculture has had under consideration the nomination of Dr. F. Langdon Davis of Augusta, for reappointment to the Animal Welfare 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. 1	Pingree of Knox
	Rep. 7	Tardy of Palmyra, Alberti of Lewiston, Heeschen of Wilton, Ahearne of Madawaska, Spear of Nobleboro, Cross of Dover-Foxcroft, Kneeland of Easton
NAYS:	0	
ABSENT:	5	Sen. Paradis of Aroostook, Sen. Marden of Kennebec, Rep. Hussey of Milo, Rep. Strout of Corinth, Rep. Nash of Camden

Eight 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 Dr. F. Langdon Davis of Augusta, for reappointment to the Animal Welfare Board be confirmed.

Signed:

S/Judy A. Paradis
Senate Chair

S/Robert J. Tardy
House Chair

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

THE PRESIDENT: The Joint Standing Committee on Agriculture has recommended the nomination of Dr. F. Langdon Davis of Augusta be confirmed.

The pending question before the Senate is: "Shall the recommendation of the Committee on Agriculture 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, 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, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senator TITCOMB

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 Dr. F. Langdon Davis, 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:

COMMITTEE REPORTS

Senate

Ought to Pass

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Amend the Laws Regarding Health Insurance and Health Care Services" S.P. 525 L.D. 1548

Reported that the same **Ought to Pass** pursuant to Joint Order (S.P. 516).

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

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

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 **TAXATION** on Bill "An Act to Amend State Tax Increment Financing"
H.P. 718 L.D. 969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-570)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-570) **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.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Improve Markets for Chlorine-free Paper Products"
H.P. 1063 L.D. 1431

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-503)**

Minority - **Ought Not to Pass**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ**.)

(In House, June 2, 1993, Minority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **LAWRENCE** of York moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge the members of the Senate to vote against this motion of the Majority and go on to accept the Minority Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

A Division has been requested.

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

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

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion of Senator **LAWRENCE** of York, to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE, FAILED**.

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

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

HOUSE REPORTS - from the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Expand the Applicability of Certain Energy Standards"
H.P. 355 L.D. 458

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-502)**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ**.)

(In House, June 2, 1993, Majority **UGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

Senator **CIANCHETTE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. One more time I rise to ask you to vote against the pending motion and go on to accept the Ought Not to Pass Report of the Committee. Thank you.

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

Senator **LAWRENCE**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask that you support the Committee's Minority Report. What this Bill does is extend energy standards to all single unit homes, to provide that those homes are billed to the same energy standards that we require multiunit homes to be billed. There is an exception for where the individual does all of the construction on their home, and that exception is in there because we felt that those individuals who know enough to build their own homes from scratch, will know enough to meet the energy standards. When you use a contractor to build your home you don't know what type of energy standards those contractors are using. This is simply to say that single unit homes must now have the same energy standards that the multiunit homes have. 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 can't believe that the Senator from York is naive enough to believe that a person who builds his own home is going to see to it that all of the energy standards are met. The person who builds his own home is going to be the one who, in fact, is paying out of his own pocket to build that home and he is going to do it for the least cost possible. Thank you.

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

Senator **MCCORMICK**: Thank you Mr. President, Ladies and Gentlemen of the Senate. I think there is some misunderstanding about the owner built exemption in this Bill. People who build their own homes do not have to meet the energy standards, don't have to. They can build it out of toothpicks and put paper on the walls, it is meant as a gesture towards people who build their own homes and the economies that those folks often live under. This is aimed toward contractor built homes. 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. On the one hand the gentelady from Kennebec tells us about how people don't have to go with the standards, on the other hand the gentleman from York, Senator Lawrence, tells us that they will know enough to do it themselves. We are starting to set up a little double standard around here, which has been going on for some time. The emission control thing, some people have to have it, some people don't, it depends on where you live. Even where you live some people don't have to pay the amount that others would have to because of their income. I'm sent down here to treat everybody the same, either everybody does it or nobody does it. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **LAWRENCE** of York to **ACCEPT** the Minority **OUGHT 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.

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion of Senator **LAWRENCE** of York, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **FAILED**.

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

Off Record Remarks

The Chair laid before the Senate the Tabled and Later 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 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (S-183) in **NON-CONCURRENCE**

(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**.)

(In Senate, June 3, 1993, **RECEDED**. Subsequently, House Amendment "A" (H-423) to Committee Amendment "A" (S-183) **INDEFINITELY POSTPONED**, in concurrence. House Amendment "B" (H-498) to Committee Amendment "A" (S-183) **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

On motion by Senator **ESTY** of Cumberland, Senate Amendment "B" (S-278) to Committee Amendment "A" (S-183) **READ** and **ADOPTED**.

Committee Amendment "A" (S-183) As Amended by Senate Amendment "B" (S-278) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

The Chair laid before the Senate the Tabled and 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 3, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **SUMMERS** of Cumberland to **RECONSIDER ENACTMENT**.

(In Senate, June 2, 1993, **PASSED TO BE ENACTED**, in concurrence.)

Senator **SUMMERS** of Cumberland requested and received Leave of the Senate to withdraw his motion to **RECONSIDER ENACTMENT**.

Which 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:

ORDERS

Joint Order

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

S.P. 526

ORDERED, the House concurring, that Bill, "An Act to Ensure Economic Benefits from Purchases by Generators of Nuclear Power," H.P. 289, L.D. 376, and all its accompanying papers, be recalled from the legislative files to the Senate.

Which was **READ**.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The reason that I asked for the Order to return the L.D. from the files is that I believe there is new information that is substantive that would weigh on our decision that we made earlier on that item. Therefore, I am asking for the opportunity to consider that information.

That information is being handed out to you. In its briefest form it is a memo responding to the good Senator from Washington, the Senate Chair of Utilities had posed a question regarding the legal issue of whether the Public Utilities Commission would be pre-empted. As you will see, in that handout from the senior Council, Mr. James Buckley, that it is pre-empted and therefore those costs could not be disallowed and it would be passed on to the rate payer. Because of that I would like the opportunity to have the Bill brought back so that we can reconsider our decision. 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 voted to accept the Ought Not to Pass Report in the Senate and the other body Receded and Concurred, thus effectively killing the Bill. I think it should remain that way and therefore I would ask for a Division on passage of the Joint Order. Thank you.

Senator **VOSE** of Washington requested a Division.

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

THE PRESIDENT: The pending question before the Senate is **PASSAGE**.

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

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 BRANNIGAN, CLEVELAND, CONLEY, ESTY, FOSTER, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PEARSON, PINGREE

NAYS: Senators AMERO, BALDACCI, BEGLEY, BERUBE, BUSTIN, BUTLAND, CAHILL, CAREY, CARPENTER, CIANCHETTE, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PARADIS, SUMMERS, VOSE, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

ABSENT: Senator TITCOMB

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being absent, **PASSAGE** of the Joint Order, **FAILED**.

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

COMMITTEE REPORTS

Senate at Ease

Senate called to order by the President.

Senate

Ought to Pass As Amended

Senator **MCCORMICK** for the Committee on **BANKING & INSURANCE** on Bill "An Act to Establish Minimum Regulatory Standards for Insurers to Permit the Bureau of Insurance to Seek National Accreditation" S.P. 472 L.D. 1464.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-275)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-275) **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

Senate

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws" (Emergency) S.P. 182 L.D. 596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-277)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-277) **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.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Later 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 3, 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 **PINGREE** of Knox, 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-473), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-281) to Committee Amendment "A" (H-473) **READ** and **ADOPTED**.

Committee Amendment "A" (H-473) As Amended by Senate Amendment "B" (S-281) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

The Chair laid before the Senate the Tabled and 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 3, 1993, by Senator **CLEVELAND** of Androscoggin.

Pending - Motion by Same Senator to **ADOPT** Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343)

(In Senate, June 2, 1993, Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343) **READ**.)

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

Senator **CLEVELAND** of Androscoggin requested and received Leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "B" (S-266) to Committee Amendment "A" (H-343).

On further motion by same Senator, Senate Amendment "C" (S-280) to Committee Amendment "A" (H-343) **READ**.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I apologize to the men and women of the Senate. After I moved for the adoption, it was brought to my attention that an unintended word in phrasing created an intention in the Bill that was not what it was intended to do originally. What the word change really has done is changed one single word on the second page from all to any, which was the original intent of the amendment and was the understanding of the Energy and Natural Resources Committee who unanimously adopted it with that understanding. I am pleased that that oversight was caught and I apologize for having to offer this other amendment to you. Let me see if I can point it out to you quickly. It's on page 2, line 3, second word. Initially it said "Where all of these uses are prohibited...", the intention was for it to say "Where any of these uses are prohibited...". Thank you.

On further motion by same Senator, Senate Amendment "C" (S-280) to Committee Amendment "A" (H-343) **ADOPTED**.

Committee Amendment "A" (H-343) As Amended by Senate Amendment "C" (S-280) 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.

Off Record Remarks

The Chair laid before the Senate the Tabled and Later 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 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ENACTMENT**

(In Senate, June 3, 1993, **PASSED TO BE ENACTED**, in concurrence. Subsequently, **RECONSIDERED**.)

On motion by Senator **CAREY** of Kennebec, 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-242) As Amended by House Amendment "A" (H-476) thereto, 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** House Amendment "A" (H-476) to Committee Amendment "A" (H-242), in concurrence.

On further motion by same Senator, House Amendment "A" (H-476) to Committee Amendment "A" (H-242) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-267) to Committee Amendment "A" (H-242) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair. I guess I'm a bit confused but I'm not sure where we are and I don't think the amendment he offered is linked to the Bill that we are talking about. Thank you.

THE PRESIDENT: The Senate is now currently on Tabled Later item 12; An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees. The Chair recognizes the Senator from Sagadahoc, Senator Cahill.

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. May I ask a further question? Could we have the filing number of the amendment that the good Senator is offering?

THE PRESIDENT: The filing number is S-267.

Senate at Ease

Senate called to order by the President.

Senator **CAREY** of Kennebec requested and received Leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "A" (S-267) to Committee Amendment "A" (H-242).

On further motion by same Senator, Tabled until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-242).

On motion by Senator **VOSE** of Washington, **RECESSED** until 7:15 this evening.

After Recess

Senate called to order by the President.

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

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate"

S.P. 222 L.D. 693

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-274)**

Tabled - June 3, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 3, 1993, Reports **READ**.)

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-274) **READ**.

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "A" (S-286) to Committee Amendment "A" (S-274) **READ** and **ADOPTED**.

Committee Amendment "A" (S-274) As Amended by Senate Amendment "A" (S-286) thereto, **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.

The Chair laid before the Senate the Tabled and Later 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
(C"A" H-242)

Tabled - June 3, 1993, by Senator **CAREY** of Kennebec.

Pending - **ADOPTION** of Committee Amendment "A" (H-242)

(In Senate, June 3, 1993, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-242). **RECONSIDERED ADOPTION** of House Amendment "A" (H-476) to Committee Amendment "A" (H-242). Subsequently House Amendment "A" (H-476) to Committee Amendment "A" (H-242) **INDEFINITELY POSTPONED**.)

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

On motion by Senator **CAREY** of Kennebec, Senate Amendment "B" (S-285) to Committee Amendment "A" (H-242) **READ** and **ADOPTED**.

Committee Amendment "A" (H-242) As Amended by Senate Amendment "B" (S-285) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **HALL** for the Committee on **LEGAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"

S.P. 478 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-276)**.

Which Report was **READ**.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend the Motor Vehicle Emission Inspection Program" H.P. 1005 L.D. 1351

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-537)**.

Signed:

Senators:

- LAWRENCE of York
- CIANCHETTE of Somerset
- LUDWIG of Aroostook

Representatives:

- WENTWORTH of Arundel
- JACQUES of Waterville
- COLES of Harpswell
- MARSH of West Gardiner
- GOULD of Greenville
- CONSTANTINE of Bar Harbor
- POULIN of Oakland
- ANDERSON of Woodland

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-538)**.

Signed:

Representatives:

- LORD of Waterboro
- MITCHELL of Freeport

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537) AS AMENDED BY HOUSE AMENDMENTS "A" (H-580) AND "B" (H-583)** thereto.

Which Reports were **READ**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-537) **READ**.

House Amendment "A" (H-580) to Committee Amendment "A" (H-537) **READ** and **ADOPTED**.

House Amendment "B" (H-583) to Committee Amendment "A" (H-537) **READ** and **ADOPTED**.

Committee Amendment "A" (H-537) As Amended by House Amendments "A" (H-580) and "B" (H-583) thereto, **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, ordered sent forthwith to the Engrossing Department.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Concerning State Transactions with Businesses in Northern Ireland" H.P. 931 L.D. 1254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-543)**.

Signed:

Senators:

- BERUBE of Androscoggin
- ESTY of Cumberland

Representatives:

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

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

Signed:

Senator:

- BUTLAND of Cumberland

Representatives:

- BENNETT of Norway
- LOOK of Jonesboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**.

Which Reports were **READ**.

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

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the Bill that concerns State transactions with businesses that do business in Northern Ireland. In the past, as some of you know, I voted and spoke strongly against such procedures by our State. First of all I never have thought that we should meddle in foreign affairs where the disputes are internal strifes and localized. I didn't feel that we should interfere with them. My main reason, in the past, for opposing such a Bill was that I did not want to disenfranchise our own Maine companies who sell to the State of Maine. Why send our money to a company that might be an Asian company or a European company simply because an American company had a subsidiary doing business in Northern Ireland. The Bill that is before you is no longer the Bill that you have seen for three or four sessions. It comes about after a great deal of dialogue and compromise and I'm very proud to lend my name to this particular Bill this evening. I would like to, very briefly, tell you what it does. First of all, it does not mention the famous word MacBride, instead they are the Fair Employment Principals. The Fair Employment Principals are part of the Northern Ireland Civil Rights Act, so the Fair Employment Principals are incorporated in this Bill, they do incorporate some of the MacBride principals, however, it is the principals that most American companies abide by within their own companies, the Equal Employment Opportunity Act, and the Affirmative Action Programs that they implement in their American companies and they extend them to those places of business that they have in Northern Ireland as well. The controversial one has been totally struck out. That was the one that would have mandated that American companies in Northern Ireland furnish security to and from the home and the work place to employees, that has been struck out. As far as when the State of Maine makes purchases, the only stipulation is when a company has a parent company or a subsidiary or whatever, in Northern Ireland, that they will stipulate, they being the companies, that they have made a good faith effort to implement these fair employment practices. I thought that was a very fair compromise. This Bill parallels, pretty much, the law that was passed unanimously in New York a year and a half or two years ago. I am very pleased to be a part of this Majority Report for once and I'm sure that my Irish American colleagues here are as delighted as well. To them I say Erin Go Braugh. Thank you.

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The good Chairman of the State and Local Government Committee made some very good points that I would like to reiterate. She talked about meddling in foreign affairs and whether that was appropriate or not. That is a decision that you will have to make tonight for yourself. As to whether it is something that the State of Maine should be doing unilaterally or whether it is something that is more appropriate for the Congress in Washington to be doing. She also mentioned that it was no longer the Bill that had been before the body on several other occasions and she is very true when she says that. One also has to wonder whether being as watered down as it is whether it retains any more meaning. I would hope that you give serious thought to the issue before we vote tonight. There are many hot spots in the world where

religious problems and other discriminatory problems are causing strife, and we have to ask ourselves whether we are going to get involved in every single one of those. Thank you.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I want to begin by commending my colleague, the good Senator from Androscoggin, Senator Berube, for putting up with all the Irishmen in that Committee for the good number of years that she has had to hear these Bills down there. It is not an easy job, every time this Bill has come up in whatever form it has been here, the British Government has sent over people to testify against the Bill and has spent substantial amounts of money opposing the Bill. Then there are those who have come in in favor of the Bill, representatives of the Irish American community, mostly from the States, and particularly from Maine. I want to commend her specifically for working hard to reach a compromise which I don't consider to be a watered down version of the Bill, I consider it to be an acceptable version of the Bill which gives Maine businesses the benefit of the doubt. All they have to say is that they recognize these Fair Employment Principals and that they will follow them. She has explained the Bill in great detail and I will not belabor that, but I would like to say in reference to the good Senator from Cumberland's remarks, Senator Butland, this is one of these things that you actually get to work on something and you can have a positive impact. Maybe today it is Northern Ireland, a few years ago we did things on South Africa and yes, there are trouble spots in the world, and when appropriate, if we can do something meaningful we should do something meaningful. We are people of conscience, we have morals and when we see wrongs we ought to right them if we can have any sort of an impact. Others in this country have tried to help Catholics in Northern Ireland. 13 States have passed some version of this Bill, and some 40 cities have passed versions of this Bill. It is only by working together as a group that we can bring about meaningful change over there. I would urge this body to adopt this very modest measure. This body has spoken strongly in the past in favor of this measure. People here ought to know that employment discrimination in Northern Ireland is very significant. The British have tried to hold themselves out of trying to do something about it and they have done nothing. Catholics are unemployed at twice the rate that Protestants are in Northern Ireland. There is a pattern of discrimination there. These principals, if anyone wants to take the time to look at them, there are 9 of them, are very modest. In this country they would be seen as coming not anywhere near what we would hold our own companies to by way of adhering to principals against discrimination. I hope that this body will go along with the Majority Report and support it strongly. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin 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.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator BERUBE of Androscoggin to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-543) 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, ordered sent forthwith to the Engrossing Department.

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

ORDERS

Joint Order

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

S.P. 527

ORDERED, the House concurring, that the Joint Standing Committee on Banking and Insurance report out a bill, "An Act to Collect Baseline Data to Facilitate Health Care Reform."

Which was READ and PASSED.

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

Senate at Ease

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator ESTY of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act Related to Lottery Machines"
H.P. 159 L.D. 211
(S "A" S-190 to C
"A" H-319)

Tabled - May 25, 1993, by Senator ESTY of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED** in **NON-CONCURRENCE**

(In Senate, May 25, 1993, **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-319). Senate Amendment "A" (S-190) to Committee Amendment "A" (H-319) **READ** and **ADOPTED**. Committee Amendment "A" (H-319) as Amended by Senate Amendment "A" (S-190) thereto, **ADOPTED**.)

(In House, May 19, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-319)**.)

On motion by Senator HALL of Piscataquis the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-319) As Amended by Senate Amendment "A" (S-190) thereto.

On further motion by same Senator, Senate Amendment "B" (S-283) to Committee Amendment "A" (H-319) **READ** and **ADOPTED**.

Committee Amendment "A" ((H-319) As Amended by Senate Amendments "A" (S-190) and "B" (S-283) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

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

The Chair laid before the Senate the Tabled Unassigned matter:

Resolve, to Provide Savings in the Elderly Low-cost Drug Program
H.P. 543 L.D. 739

Tabled - June 3, 1993, by Senator PARADIS of Arrostook.

Pending - **ADOPTION** of Committee Amendment "A" (H-573)

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently **RECONSIDERED**. **RECONSIDERED ADOPTION** of Committee Amendment "A" (H-573).)

On motion by the Chair, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Off Record Remarks

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

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

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

On motion by Senator **CARPENTER** of York, **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:

ORDERS

Joint Order

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

S.P. 528

ORDERED, the House concurring, that Bill "An Act to Amend the Motor Vehicle Emission Inspection Program" H.P. 1005, L.D. 1351, and all its accompanying papers, be recalled from the Engrossing Department to the Senate.

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

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State"

H.P. 1036 L.D. 1388

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-545)**.

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

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

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

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

BENNETT of Norway
LOOK of Jonesboro

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-545)**.

Which Reports were **READ**.

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

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

Senator **BUTLAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would hope that you would vote against the pending motion. If we were to adopt this L.D., An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State, it would make it almost impossible for us to do any privatization. The provisions listed in the legislature, there are 10 provisions listed in the legislature, and each one must be satisfied before a contract could be awarded. The administrative burden on the State to research and analyze all of this before letting contracts would be enormous, it would be very cumbersome and time consuming and counterproductive to any attempts we might make at reducing the cost of State Government. I would hope that you would vote against the pending motion so that we can pass the Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT 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.

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Distribute the Power and Privilege of Serving in Elected Office"
H.P. 1076 L.D. 1442

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

GRAY of Sedgwick
WALKER of Blue Hill
LOOK of Jonesboro
KILKELLY of Wiscasset
ROWE of Portland
JOSEPH of Waterville
DUTREMBLE of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-548)**.

Signed:

Senator:

BUTLAND of Cumberland

Representatives:

AHEARNE of Madawaska
BENNETT of Norway
YOUNG of Limestone

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

Which Reports were **READ**.

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

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

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

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

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Unless I am incorrect, and we just received this so I am searching my memory, but I believe that this Bill dealt with term limits regarding Federal officials and I believe that one of the reasons why we voted Ought Not to Pass was because there was another vehicle to use as well as some people not supporting the idea. There is a vehicle that will be coming later to do this if the body would so choose. Thank you.

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would like to pose a question through the Chair to anyone in the chamber who is able to answer, maybe the good Senator from Cumberland could enlighten me as to exactly what piece of legislation might be coming forward that would deal with this issue of Congressional term limits.

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 Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I don't recall the L.D. number but I can tell you that it is Representative Joseph's legislation that is in the State and Local Government Committee. Thank you.

THE PRESIDENT: The Chair would inform the membership that debate on another L.D. is not proper before the body. The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I do have an answer to the question and it is not another L.D. To the good question posed by the Senator from Oxford, Senator Hanley, I believe it is an election. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The Minority Report deals with a term limit for Congressional people and it will start in 1998 and would limit the House of Representatives in Washington to, I believe, four terms, and the U.S. Senate to two terms. We took objection, those of us on the Majority Report, simply because Maine is a small State. We are very fortunate in having a seniority on many committees and seniority, in fact, in the U.S. Senate. If you

would limit the terms in Washington you would find that we would probably be replaced by some states like California that have some 59 members in Congress. To Maine, having our Congressional people as seniority members of the Arms Services Committee or as Majority Leader for that matter, has served Maine well as we all know. I was reluctant to support the Bill because the risk was too great in losing some people who have seniority. Thank you.

Off Record Remarks

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

Senator **HANLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I was just checking my watch to see how much time I had to go on on this issue. I feel very strongly for the people not only of this State but for our entire nation. I have spoken on this point, last November as we were going door to door, knocking on doors, making that last pitch to try and get into the Legislature, people in 14 other States across this country had on their ballots an option to limit the terms of their Congressional members. 14 States, now I ask you, how many of you here know what the breakdown was as far as how many States adopted this proposal? Was it 12 - 2, was it 10 - 4? It was 14, each State that had it on their ballot voted for this. I asked this question on my questionnaire that I sent out. I received over 1500 responses on my questionnaire. 87% were in favor of Congressional term limits. I guess have to define what the good Senator from Androscoggin, Senator Berube, means when she says serves well. I would argue to the members of this Senate who are considering running for higher office, a Congressional office, could serve just as well. But if the definition of serving well, as far as from the level of seniority, is to bring home more pork, I would argue that that is not why we send our Representatives and our Senators back to Congress. I think anyone with good common sense, who has the best interest of the State of Maine can serve our State well. Bringing home more pork is not my definition of serving the State well and I would hope and trust that is not the definition of this chamber. I'm glad we had some discussion on this, the Bill came through with a very interesting title, An Act to Distribute the Power and Privilege, not fully allowing this chamber to know it is Congressional term limits that we are dealing with. When the vote is taken I ask that you members of the Senate take into consideration what your constituents told you when you were going door to door campaigning and what you feel is right for the State of Maine. I would say that my definition of serving well is not bringing home more pork and gaining more seniority, but having some common sense and the best interest of the State of Maine at hand. Thank you.

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

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I sat and listened with great interest to the remarks of the Senator from Oxford, Senator Hanley, as he spoke about

Congressional term limits and the need for them and the popularity for them across the country. I listened to how he talked about the 14 States that enacted them in different ballot initiatives and referendums this past November. Then I thought about all of the people in this great land, from Maine to California, who re-elected 92% of their Congressional incumbents, including the people here in Maine. I think this is another one of those issues with a great deal of emotional appeal but when people sit down and think about it there are many compelling reasons not to do it. I would urge you to vote against the Minority Report. Thank you.

Off Record Remarks

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I will be brief, I just hope that 49 States adopt this and we are the only exception, because then we will have the advantage of having people in office in Washington who have the institutional knowledge and the experience and the seniority to advance the concerns and the feelings of the people of the State of Maine, because I don't care what you say, with seniority and with history and with some background you are able to serve your people better. If I didn't believe that I wouldn't have run again myself. Thank you.

Senator **HALL** of Piscataquis moved to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **HALL** of Piscataquis to **TABLE 1 LEGISLATIVE DAY**.

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 23 Senators having voted in the negative, the motion of Senator **HALL** of Piscataquis, to **TABLE 1 LEGISLATIVE DAY**, pending the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence, **FAILED**.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. One thing I would like to remind you is that there was a petition drive in this State that obtained over 80,000 signatures. If this motion carries you are ignoring all of those people. I have no problem with the present representation that we have, but I question how many excellent representatives that we haven't had because we don't have term limits, it's something you may

want to consider. We all know that 90% of incumbents are re-elected, and we all know what the reason is for that, if you will search just a little bit to think about it. We are here to represent the people in this State, not our personal concerns, but the people that send us here. I ask you to please consider that for just a second before you make your choice. 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 would tell the Senator from Piscataquis, Senator Hall, that having been on Apportionment and doing fairly well with figures, that 80,000 people is only 6 1/2% of the State's population. I would also tell the good Senator that one of the reasons that some people who are much better than anyone of us here don't run is because they do not want to have their private lives scrutinized. Thank you.

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

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

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BEGLEY, BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, FOSTER, GOULD, HANDY, LAWRENCE, LUDWIG, MARDEN, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BUTLAND, CAHILL, CARPENTER, HALL, HANLEY, HARRIMAN, KIEFFER, LUTHER, SUMMERS, WEBSTER**

ABSENT: Senator **TITCOMB**

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

On motion by Senator **PEARSON** of Penobscot, **ADJOURNED** until Friday, June 4, 1993, at 9:00 in the morning.