

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 19, 1993 to July 14, 1993

FIRST CONFIRMATION SESSION

October 14, 1993

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

In Senate Chamber
Friday
June 4, 1993

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

Prayer by the Honorable Margaret G. Ludwig of Aroostook.

SENATOR MARGARET G. LUDWIG: This morning I would like to share with you a prayer from a Kahn tribe in Africa. Lord, we do not know what is best for us, but you know, and for that we pray. Amen.

Off Record Remarks

Reading of the Journal of Thursday, June 3, 1993.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect Private Property"
H.P. 514 L.D. 672

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

Signed:

Senator:

CONLEY of Cumberland

Representatives:

COTE of Auburn
KETTERER of Madison
SAXL of Bangor
CATHCART of Orono
FARNSWORTH of Hallowell
FAIRCLOTH of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-551).**

Signed:

Senators:

BERUBE of Androscoggin
HANLEY of Oxford

Representatives:

LIPMAN of Augusta
PLOWMAN of Hampden
OTT of York
CARON of Biddeford

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

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 Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law"
H.P. 777 L.D. 1050

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-557).**

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-558).**

Signed:

Senator:

BUTLAND of Cumberland

Representative:

YOUNG of Limestone

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557).**

Which Reports were **READ.**

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

ORDERS OF THE DAY

Unfinished Business

The following matters in the consideration of which the Senate was engaged at the time of Adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Senate Rule 29.

The Chair laid before the Senate the Tabled and Later Assigned (6/3/93) 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**.)

On motion by Senator **TITCOMB** of Cumberland, 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" (H-368), in concurrence.

House Amendment "A" (H-469) to Committee Amendment "A" (H-368) **READ**.

On further motion by same Senator, House Amendment "A" (H-469) to Committee Amendment "A" (H-368) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Committee Amendment "A" (H-368) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-279) **READ** and **ADOPTED**.

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

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

The Chair laid before the Senate the Tabled and Later Assigned (6/3/93) 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 **MCCORMICK** of Kennebec, 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" (H-304), in concurrence.

House Amendment "A" (H-463) to Committee Amendment "A" (H-304) **READ**.

On further motion by same Senator, House Amendment "A" (H-463) to Committee Amendment "A" (H-304) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "B" (S-288) to Committee Amendment "A" (H-304) **READ**.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This amendment clarifies the immunity language. It is a highly technical amendment, it has been worked and reworked by the lawyers for the chamber and the lawyers for the body and the lawyers for the Governor and the lawyers for the Committee. I think that it should be passed. Basically the gist of the amendment is to clarify that the immunity does not extend to any liability a member of the Board of Governors might have by virtue of being a member of the Residual Market Mechanism. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-288) to Committee Amendment "A" (H-304) **ADOPTED**.

Committee Amendment "A" (H-304) As Amended by Senate Amendment "B" (S-288) 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.

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 **CIANCHETTE** of Somerset, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Protect Private Property"
H.P. 514 L.D. 672

Majority - **Ought Not to Pass**

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-551)**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 4, 1993, Reports **READ**.)

(In House, June 3, 1993, Reports **READ** and the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.)

Senator **CONLEY** of Cumberland moved that the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As usual I can barely draw a quorum these days when I get up to speak. I understand how the good Senator from Androscoggin, Senator Cleveland, has been feeling at times around here. I want to urge the body to adopt this Ought Not to Pass report. This is not a new issue to this chamber, to the members of this

Legislature. Anyone in here who has either served in the past on the Energy and Natural Resources Committee or presently serves on that Committee is aware of the frustration and ill feelings of many businesses and many members of the public regarding State, Municipal, and Local regulations as they pertain to land. There have been numerous Bills that have gone through the Committee and have all met their fate in Davy Jones' locker, as this one ought to. Unfortunately, this particular Bill, sponsored by Representative Dexter, got re-referred, due in no small part to the tiredness of the Energy and Natural Resources Committee with having to deal with this issue. Upon being re-referred to the Committee on Judiciary, where there are 8 lawyers, 4 of the lawyers grabbed onto this thing and said we can make something of nothing here, which is exactly what they have done. In fact, if you look at the Report, there are 4 lawyers who are against this measure and 4 who are for it, and as I know the people in this chamber like direction, I would suggest since one lawyer's opinion is worth no more than another's, you look to the lay people on this Committee for your guidance and you will find that a majority of them felt this was not a good idea. They thought it wasn't a good idea for a couple of reasons. If you take a look at an editorial which was handed out here yesterday, done by the Kennebec Journal, I think it details quite effectively the problems with this particular law. What you have done here is taken a 30 page U.S. Supreme Court decision, with 58 footnotes and tried to synthesize it into 1 sentence. It is sort of like taking a Rubik's Cube and turning it into a tic tac toe puzzle, you just can't do it. That Supreme Court decision reflects 200 years of law in this country in reference to takings and what a taking of property is all about and when the Government has to pay people. It is not a simple measure, it is very complicated and it is still evolving as it will evolve, any interpretation of the Constitution will evolve. So to take a snapshot, as this one sentence tries to do, it defines takings in one small little sentence, and if you look at the decision, all the nuances are lost because there are actually 5 different things that the U.S. Supreme Court does in Lucas. I don't think it is wise to tamper with the U.S. Supreme Court in this area. We are evolving in the area of property law and should be very careful before we do something, we ought to know what we are doing.

Now, a couple of other things on this Bill, there is no definition of property in this Bill. One interpretation of this measure could mean that you could buy a piece of property from somebody, say 20 acres in size, have it divided into 2 pieces of property, one 17 acre piece and one 3 acre piece, say that the 3 acre piece is all wetland, it now has no economic value and any regulation passed by the State of the Municipality may entitle you to monies under that type of action. That certainly is not the intent of the Lucas decision. More importantly, and this is really where the rubber meets the road on this particular issue, thanks to the wisdom of this Legislature and the people of this State, we now have a mandate provision in our Constitution which says that if we tell any locality to do something then we have to pay 90% of the cost associated with that. In this instance, in the amendment, it is classified as a mandate and it will take two thirds of the people in this chamber to approve this. This mandate will cost us money because we are actually telling municipalities that they can't do anything here. We are saying to them do not pass any rules or any ordinances which may evolve or be interpreted as a taking of someone's property. What we are doing here, by telling them not to do anything further, is

putting ourselves on the hook for 90% of the cost if they happen to make a mistake. That is the effect of the mandate provision we passed last year. To me, I can't think of a dumber thing to do. It's like saying to someone in your family, don't speed, but if you do and you get caught I'm going to pay your ticket. That's really what it comes down to because you are telling them do not pass any rules that violate this law, but if you pass a zoning ordinance or an ordinance that is in fact in violation, we have to pay 90% of the cost associated with their mistake. What kind of incentive is that for a municipality to be careful in how they design land use ordinances? We're into a really tricky area here, it cannot be solved in a one sentence Bill, I would urge the body to adopt the Ought Not to Pass Report. 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 echo some of the comments of my good friend from Cumberland, Senator Conley, when he ask that you take guidance from those lay people on our Committee. As every member of this chamber is well aware, we are required by rule to only consider the actions of this body, so I would ask you to look at how the Senators broke up on voting on this Bill, in fact it is true that the two attorney's that serve on the Judiciary Committee were on opposite sides, but the lay person, the good Senator from Androscooggin, Senator Berube, is in fact in favor of this legislation, so I would just like to start off by thanking the good Senator for directing the Senate chamber's attention on the lay people's perspective. Let's get into the heart of the Bill though, exactly what the amendment does and what the Bill did. The original Bill would have required compensation if the State took over 50% of a person's value, of their property. That was a little too extreme so those members of the Committee who supported the idea of the Bill, and I think it is important that we take a look at where the idea for this Bill came from. The idea for this Bill came from when our forefathers sat down and drafted the Constitution. When they drafted the Constitution they felt very strongly that people's property should not just be taken without a legitimate reason, and if it is taken then they should be compensated for that taking. In fact, I draw your attention to Article I of Maine's Constitution, Section 21, which states private property, when to be taken. It states private property shall not be taken for public uses without just compensation nor unless the public exigencies require it. All these years, the Supreme Court, in their takings cases, said well you have to physically take this property in order to be compensated. Lucas made another step, it said some of the actions by governmental bodies, our State, municipalities, have drafted laws and regulations which have basically rendered people's private property noneconomically viable. They have absolutely no economic viability on the property, whether or not they can harvest any timber from it, whether or not they can build a home, whether or not they can build a cabin for their family, that's what the Lucas decision has stated, if you draft a regulation which prohibits them from using any economical viable use, and it's all economic viable use, say if I wanted to put forward a number of condominiums but that was prohibited due to the regulation, if I could still put in a smaller home it would still be viable and I would not have crossed that threshold of taking all of the value of the property. I think it is very important that we

realize this. It is not 50% as in the original Bill, it's not the 90% that I would have liked to come out with, because I think 90% is still quite a lot of value taken, this is 100% of the value of a person's property taken because of governmental regulations. You should be able to be compensated for it. The Supreme Court has interpreted, our State Constitution mandates that we pay people for this taking, as does our United States Constitution require it. I think it is only fair that this State pay at least 90%, it is in our Constitution and the Supreme Court of our land has stated that in fact taking is, if you regulate it to a certain extent, all economically viable use of the property has been taken away from you.

Men and women of the Senate, our Constitution requires it, our forefathers when they sat down and drafted it they took this into account. We are only codifying the Lucas decision and it is important that you know it is only prospective, it's not retroactive for all of the shoreland zoning that we have passed over the years, for all of our coastal areas and all of our lakes, and I have a lot of lakes in my area. This will only be prospective. Those regulations that are put on from the date of this legislation forward. I think it is important that we, as a chamber, make a statement and put it into statute that yes, this is the law of the land and it is the law of the State of Maine and if we give something to our selectmen, our Planning Boards, our State, to have a pawn in our statute stating that this is the case, not to have to go through a Supreme Court decision but to have it on Maine's books. I think it is a positive step and I think the people of the State of Maine deserve it. I hope you vote against the pending motion. 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'm not a lawyer, I am a Realtor, I am an individual in the State of Maine, and rather than speak to the legalities of the Bill I would rather give a personal experience as a Realtor on what happens when land is taken. A person came into our office in Shapleigh, Maine a few years ago and he asked us to sell a piece of land with 1200 feet on a dirt road, it was twenty something acres, in the town of Shapleigh, on the outskirts, but you have to understand the town of Shapleigh is a rather woodsy town anyways, very nice but country. We do what any good Realtor would do, go to the Town Hall and look up the property on the Town maps and see what it is zoned for. We found out that in the past year this had been rezoned as a Resource Protection Zone. The individual who wanted it sold didn't even know this. Resource Protection Zone means you can't do a thing with it. The trees grow, you can pick the berries if there are wild blueberries on it, but you cannot develop it, you cannot build on it, you cannot cut the trees on it. He was quite surprised because he had not even been notified and he had paid something like \$25,000 for this piece of property. I want you to put yourself in this individuals place, I think at that point you can understand what this Bill is designed to do. It is designed to protect the individuals in the State of Maine against the taking of property. It's really not designed to reimburse them for the taking of the property, it is designed to make the people responsible for the zoning or making the rules or laws, including ourselves, responsible for the watching that we don't take property and make it worthless to the individual as purchaser. As this

turned out, the Town of Shapleigh is very understanding, we did get a special Town Meeting, we did get it rezoned so he was able to sell his piece of land. In many instances this has not happened and the town and the State does not have to change a rule for an individual. I urge you to defeat the Ought Not to Pass motion. 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. This is a job's Bill, and by all rights I should be supporting it because it is a job's Bill, because it is a full employment program for lawyers. Like my friend, the Senator from Oxford, Senator Hanley, I do quite a bit of real estate law. By all rights I should be supporting this proposal but I'm not and I'm urging you to go with the good Senator from Cumberland, Senator Conley. The simple reason is this Bill gets us no where. Property law has been evolving for approximately 2000 years, from law we inherited from Great Britain. The same Constitutional amendment that the Senator from Oxford talks about has been in our Constitution from its adoption. This statute doesn't change that. This statute attempts to take a court decision that is 30 pages long and made my eyes cross when I read it, and reduce that to one sentence and put that in statute. Where it puts people is back in court. This law is not going to decide one thing one way or the other, we are going to be back in court trying to decide what is property, what is taking of all the economic value. Instead of putting this into statute we should let the law evolve the way it is developing, by court decision and I hope you will support the Senator from Cumberland, Senator Conley. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to urge you to support the Majority Ought Not to Pass position. I'm not an attorney so I will not be giving you great legal advice, but I am one of those ordinary citizens who tries to understand and apply the law in the common sense way. I have also had some experience in working in this area, both at the local level and otherwise. First of all, it is absolutely clear that this Bill provides no further legal protection to anyone. The Constitutional provisions already mentioned give ample and adequate protection, and as the exercise of the law has seen, has protected individuals when they needed to and sought to protect their rights. If anything, this will only further confuse the relationship between the necessity for taking public action when you try to protect the public health and welfare, and balancing that with private property rights. It makes it not clearer but more confusing and there will be more litigation, not less. Secondly, let me give you some examples about what happens here. We're talking, in many instances, about municipalities, small towns and medium size towns and larger towns, are taking action to try and protect the public good. Let's look for an instance at a town which has drilled wells that provide water to its citizens, from an aquifer which is in that community and they recognize that to have certain kinds of industrial commercial uses adjacent to those well heads and that gravel panned aquifer may well contaminate it. We wouldn't want petroleum from a gas station leaking into that to get into the water system. It would cost millions and millions and tens

of million to rectify that problem at public expense. We might not want pesticides leaking into that public water system because it might contaminate it, we might not want certain industrial solvents and chemicals leaking into that aquifer, so what do communities do, they enact local land use regulations that restrict the use, the economic viability, of adjacent areas for the public good. So that those well heads can be protected. If they do that, if the community needs to drill a new well or impose those regulations to protect the public health and welfare, is that a taking? Has somebody's land been taken because they can't put a gas station or a factory or a pesticide production plant next door to that? It may be, but do we want the public resource, the water, to be contaminated? It is inappropriate to pass those kinds of regulations?

What if a community decides to protect its lakes from algae blooms, so the lake doesn't become killed and the value of all the property decreases on the entire lake and the environment and the aquifer is destroyed, and imposes certain phosphorus export regulations and other construction rules and set backs which keeps the public resource healthy for everyone and therefore restricts the use, to some degree, of land and that water shed. Is that a public taking? Do we compensate them for that, is that not a public good? There are many more examples exactly like that. Let me give you a reminder that in Maine we are small, rural communities. These land use regulations, by most part, don't drop from the heavens, they are developed locally. We have a town meeting form of government in most communities. The people of those communities must vote themselves whether they want those regulations. If they choose not to they don't vote them in. It is self regulating, self protecting, in addition to the judicial protection if they should make an error for some reason. Let me ask you what happens if we send this message, and we intimidate communities from taking action to protect those well heads, from taking action to protect the aquifers, the water supplies, the lakes and the ponds. Who pays for that? Who pays the millions to find another water source. Who pays the millions in medical costs if someone becomes ill? We, the public, often pay for those remedies that are much more expensive than taking reasonable common sense activities in advance. Regulations are a means of saying what do we, as a collective community, think is a way that is responsible for all of us to act in the way we use our land and protect our welfare. That's what it is, and we collectively make a decision about that. In Maine we still have the luxury and the privilege of going to the Town Meeting and voting for it individually.

This is a solution to a problem that does not exist in the State of Maine. We will be creating much more harm, and enormous expense for our communities and we will pass the cost on to our local property tax payers and citizens. I urge you strongly to support the Ought Not to Pass motion. Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I indeed am on the Minority amended Report. I did so because I felt if a rule or a regulation or an ordinance reduces, substantially, the economic worth of a piece of property that a person has invested in, with no remuneration, if the property becomes next to

worthless, what happens if that person is saddled with a huge mortgage or has great liabilities incurred in the piece of property. I know the issue may be very complicated but I feel that in a democracy we have the right, and the role of government is to protect the people who cannot defend themselves, many times, against the lawmaking bureaucracies. I thought that it was a question of fair play. If, indeed, you seize a piece of property and, under Eminent Domain of course you can compensate according to market value or whatever agreement you come to, but in this case there would be absolutely no compensation. This Bill says there would be and people might think twice about making rules and regulations that are very detrimental to private ownership, particularly to the small homeowner or property owner. I guess that is all I have to say, I will say that I did so because I feel so strongly about fairness and fair play. It is not a partisan issue, absolutely not, and I just want to make that perfectly clear. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the Minority Report today. We have heard from my good friend and colleague from Androscoggin, Senator Cleveland, about his concern for the greater good of the people of this State. I would say that I think some of his examples are a little bit extreme and possibly unfair. I think there is no question that we have to be very careful, that we are dealing with issues, pesticide plants or gas stations or something like that, but for me my own compassion goes a little bit beyond that. It goes to the everyday people, the people who pay their taxes, the people who try to make something and maybe put a little something aside, who plan to retire and build a home on a piece of property that maybe was left to them by their family, it happens to be on the water, it is something that they have planned for the retirement years, and then because a municipality or a town enacts a 250 foot setback, or something like that, they have then had that property, that they had been planning to use, rendered useless. I think there is something wrong with that Mr. President. I think that eats at the very basis of what this country was founded on, that being the ownership of property. I won't go on but I want to read a quote from John Dickinson, who is in the British Parliament. He said, "We cannot be happy without being free, and we cannot be free without being secure in our property, and we cannot be secure in our property if, without our consent, others may, as by right, take it away." I think this legislation in the Minority Report serves to correct that. I would hope that the members of this body would join me in supporting that. 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, too, support the Minority Ought to Pass Report, but I have a problem when we talk about protecting their rights, generally the public's rights, and we've been going through this for some time now with a them me. We're going to protect their rights as long as it doesn't infringe on my rights. I would strongly suggest that, if in fact, there is an area that has wells in it and they have kind of zoned an area around those wells, that the district, the town, or the city, who is in control of the wells, at least have the common

decency and hopefully under this they will have the responsibility they will, if not buying the land, that they will at least lease it so that the property owner doesn't have to pay taxes on some property that he cannot use. I do land surveying for a profession and local ordinances that infringe on a person's rights are really getting out of hand and many of them are coming out of the DEP. Minimum lot size, 200 feet. We have people who have 100 feet of frontage, unfortunately the local planning boards in many cases don't put in a grandfather clause, which means then that owner cannot even build on that lot. He goes further on to say that he will have to sell that to his abutters, one or the other, at what will obviously be a greatly reduced price. I think the gentlelady from Androscoggin hit it very well when she talked about the mortgage that people have on these properties. Mortgages for land that they can't really use. Many of our problems, unfortunately, are caused by the excesses of the bureaucracy or they are caused by the excesses of the Legislature. Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to make a few points. First, I do want to say that I am for jobs and I didn't have in mind job's for lawyers, I just want to make that clear. The amendment that is in the Minority Report says just this, this replaces the other whole Bill, it says "An entity imposing a law, rule, regulation, or ordinance shall compensate the owner for taking of the real property if that law, rule, regulation or ordinance denies all economic viable use of the real property. This section does not apply to a public or private nuisance." It does not apply to public or private nuisance. In my town there is a very expensive piece of property, an ideally located piece of property located right on an intersection that is used a great deal, and the person who owns that property could sell it for a rather huge sum of money, but someone has declared that that piece of property, right in the middle of town, is a wetland. I guarantee that we could all walk through that area with sneakers and not get our feet wet this time of year. In my opinion it has absolutely nothing to do with health and safety, nothing to do with health and safety. That piece of land is being tied up because someone doesn't want it developed and it is in a development area, it is downtown at an intersection, it should be developed, and this owner is deprived of that valuable piece of property because someone has declared it unusable. I just think that is absolutely wrong, this Bill, I think, would send a message to the people making decisions that perhaps if they went to court they would lose and perhaps they would make a different decision about that piece of property. I just think that it is important that we pass this amendment, which is the Minority Report, so I would ask you to please vote against the pending motion so we can pass the Minority Report. 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'd like to pose a question through the Chair to anyone who chooses to answer. If, in fact, this amendment does reflect the law as it is now, why should we pass this law so that we can pay for the mistakes that localities make? Thank you.

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

Senator **CIANCHETTE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. In this particular example that I gave you, it is not the municipality, it is the DEP. 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 just rise to correct a potential misunderstanding in a couple of statements the good Senator from Androscoggin, Senator Cleveland, led a parade of imaginary horrible past us as far as what if someone wants to build a pesticide manufacturing plant on 100 acres. Well, let's play that out for just a minute. If I have 100 acres and I buy it with the intent of putting a pesticide manufacturing establishment on there, 10 years down the road a regulation comes out that prohibits me from doing that, that's not taking. If I have any other economically viable use of that plant, if I can put a cottage or one house, if I have any economically viable use for the property, it may not be my specific intent of putting a pesticide plant or a nuclear reactor, or an atom collision thing, that's irrelevant. If it's all economically viable use. I was hoping my good friends from York and Cumberland would rise to establish that. Also the good Senator from Androscoggin stated that it has to reduce substantially, I would just like to say that it is not substantially, it has to totally reduce any economical use of the property. That's where those of us who would have gone with reduced substantially, in fact in our Committee we discussed that, but the way this Bill is drafted, the way it is in front of you, it is 100%. 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 think my good friend from Oxford, Senator Hanley, misses the point here. The point, as any good lawyer knows, is not all but it is a question of what is economic and what is viable. Does that mean that if I have a use of that land that I'm not going to make money on, is that not economically viable? Back we go into court. What is all, how do you define what is 100%, what is economical use of the land? Back we go into court. Law students spend their virtual three years at law school going blind trying to figure out what a taking of property is. We're not going to solve it in one sentence here. I just want to say, the more we talk, the more work we are going to make for lawyers because they are going to have to go back and research this Legislative Record to figure out what to heck this really means. Thank you.

On motion by Senator **CONLEY** of Cumberland, 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 Androscoggin, Senator Cleveland.

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The examples I gave you are not imaginary, they occur every day in local municipalities when they are trying to deal

with the public, trying to make decisions on how to protect the public health. The question is correct, what is an economically viable alternative? If all you can do is put up a vegetable stand or use it as a nature park, or mow the grass, is that all or is that part? If all you can do is bird watch but you wanted to construct something, is that taking all? It doesn't answer the question at all, it only begs the question for more litigation. Let me remind you once again that these regulations, and as it has been stated here earlier, are not established in granite. They are done by local people trying to use good reason and common sense and the best information possible. Regulations change, they ought to change because the needs of the communities change. As the good Senator from York indicated when you go back to them they often will re-examine them and make changes as they seem appropriate, because they have noticed that there is a need to do that. The mechanisms already exist to protect public as well as private interests. They work if we allow them to work, they only shift costs if we overreact to specific anecdotal instances that we think we know about, or we thought we knew about, or that we heard from someone, or because we want to send some sort of message but we are not real clear on what the message is, but it feels good to send the message because we think that is what we are supposed to do, to send messages like the United States Post Office or something. If we want to do something let's be clear about it and do it, otherwise let's not pass this. We ought to vote for the Majority Ought Not to Pass Report. Thank you.

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

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 BRANNIGAN, BUSTIN, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB

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

ABSENT: Senators None

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, with No Senators being absent, the motion of Senator **CONLEY** of Cumberland, to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED** in **NON-CONCURRENCE**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-551) **READ** and **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.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law"

H.P. 777 L.D. 1050

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-557)**

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-558)**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 4, 1993, Reports **READ**.)

(In House, June 3, 1993, Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)**.)

Senator **BERUBE** of Androscoggin moved that the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)** 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'd like to pose a question through the Chair to any member of the Majority Report, could you explain exactly what Committee Amendment "A" would do? Thank you.

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

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill is a statutory change in the rules procedures. It modifies the APA rules that were implemented several years ago. What it would do, it would allow Committees, as you know we have had legislators here constant complaints that Department rules and regulations that have the force of law very often exceed legislative intent, because they have the

force of law there is nothing the legislature can do, the reason for the Bill is to allow at least some discretionary review by the Committee's of jurisdiction. The rules to be reviewed would be of three types, the proposed rules, the newly adopted rules, and the current rules that could be amended. The Committee could request a hearing within 30 days after the announcement of the filing of the rules, providing one-third of the Committee members so indicated. There would be a public hearing, that is a mandate, and the Committee could introduce legislation to change or modify the rule or do away with it totally. They could not stay the implementation of the rule. Basically that is what the Bill does and I call your attention to the Report which is 11 - 2 Ought to Pass. 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. I appreciate the explanation given by the Chairman of the State and Local Government Committee, the Senator from Androscoggin, Senator Berube. I hope that you will give this due consideration because it is a very important issue. We're talking about rulemaking, a word that has achieved the same status in the political lexicon as taxes, unfunded mandates and bureaucrats. In my mind it is a reputation that is not entirely justified. Over the last few years there have been instances where agency rules have not perfectly reflected the legislative intent, you have to understand that rulemaking is an art, it is not a science. There are times when legislative intent is not clear, and quite frankly, I am sure there are times when legislative intent is not followed. I believe that the problem is not so widespread and that it is limited to two or three agencies, I am constantly amazed at how easily, in this political environment, we can elevate worse case scenarios into being the norm. I think this is another instance. It is very easy when you are out on the campaign trail to blame the faceless bureaucrats in Augusta for legislation that has gone awry. The question that we need to answer, however, this morning is to what degree do we need to fix the system. I believe that there does exist a problem, but that the prescription offered by Committee Amendment "A" is much worse than the existing condition. Make no mistake about it, rulemaking is a legitimate function of the administrative agencies. The purpose of rulemaking is to promulgate rules for the purpose of interpreting and implementing legislation in a non-political environment. Authority for rulemaking is granted in the Constitution. The legislature has neither the time nor the expertise to go about the process of rulemaking. You have to remember that we have a public hearing process now when an L.D. is introduced and there is a public hearing during the rulemaking process. Currently, legislators may attend the rulemaking public hearings. When I was a member of the Labor Committee and the Taxation Committee, periodically I received volumes of rules that were being considered by the agencies. Not only was I given the rules but I was also made aware of when the public hearing was. I think that there is enough, or adequate opportunity for involvement on behalf of the legislature to ensure that their intent is followed.

Committee Amendment "A" would create a very complicated and costly mechanism to ensure that intent is met. Quite frankly, I believe that Committee Amendment "A" would greatly aid in the creation of a full time legislature, it would also

hinder the State's ability to act in a timely manner, and I suspect that is Committee Amendment "A" was adopted, that the process of rulemaking would become much more political.

Committee Amendment "B" is a fast track version of Committee Amendment "A". The Minority Report recognizes that a problem exists and seeks to solve the problem in a much more appropriate manner. The specific differences in the two reports are that in Committee Amendment "A" one-third, or five members, of a Committee could initiate the review process, in Committee Amendment "B" it takes a majority. In Committee Amendment "A" the Committee of jurisdiction could look at proposed rules, newly adopted rules and currently in effect rules, Committee Amendment "B" would simply look at currently in effect rules. I hope that you will give consideration to this. I would hope that we could vote against the pending motion to accept Committee Amendment "A" so we could go on to accept Committee Amendment "B" and I would request a roll call. Thank you.

On motion by Senator **BUTLAND** of Cumberland, 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 Carey.

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I listened to the good gentleman from Cumberland, Senator Butland, and I have a minor problem with some of the things that he said. When he points out there are only two or three different agencies that exist today. This is like a cancer, if he doesn't think it is going to grow to four or five or seven or ten or fifteen, he is sadly mistaken. Once people find out how you bite the apple they really go after it. Medical product protocols are a good example of this, there are some Boards and Commissions in this State that have the authority to make rules who are there basically to limit the number of people within the Board or Commission that they govern. They become so restrictive that they are putting out the fire of competition. It just gives them that much more money and obviously gives them the opportunity to ask for more money because of the limited number of people in their field. I truly support the motion of the gentlelady from Androscoggin. 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. Just to respond to the good Senator from Kennebec, Senator Carey's, comments. To say that it is a cancer and could spread totally ignores our ability to affect the process now. Unfortunately I am guilty, we receive all of these rules and sometimes it is an undaunting task to sit down and thumb through them or read through them to make sense of them. We do have that input right now and we can take advantage of it and I suspect that we are not. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise because I, too, have concerns with the proposed solution to the problem. I might remind members here that many times on controversial, difficult issues we have a divided opinion and divided reports from Committees.

When you allow as little as one-third of a Committee, maybe about 4 people, to determine that they will initiate a process that in essence will make it more difficult, more costly, more complicated and more lengthy to adopt rules or implement legislation, it also opens the opportunity for those who are disgruntled, who didn't prevail with the Majority to put every obstacle in the way of the majority in which to proceed with legislation that has already been enacted by both bodies and signed by the Governor. Though someone may not use it for those mischievous purposes, it certainly allows an opportunity for those careerists, who know how to work a system, to make things even more difficult around here. We already have opportunities to introduce any kind of legislation we want in unlimited amounts, to correct or change anything that we feel is inappropriate and put it into statute. Is the system perfect? No. Will this correct it? I suggest it won't and it may well make the system more difficult, more expensive, more clumsy, and allow minority opinions to control rather than the majority of the will, which is usually the democratic process. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion of Senator **BERUBE** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)** 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, BERUBE, CAREY, CIANCHETTE, CONLEY, ESTY, HALL, HANDY, LAWRENCE, LUTHER, PARADIS, PEARSON, PINGREE, TITCOMB, THE PRESIDENT - DENNIS L. DUTREMBLE**

NAYS: Senators **AMERO, BEGLEY, BRANNIGAN, BUSTIN, BUTLAND, CAHILL, CARPENTER, CLEVELAND, FOSTER, GOULD, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, MCCORMICK, O'DEA, SUMMERS, VOSE, WEBSTER**

ABSENT: Senators None

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, with No Senators being absent, the motion of Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-557)** Report, in concurrence, **FAILED**.

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-558)** Report in **NON-CONCURRENCE**.

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

THE PRESIDENT: The pending question before the Senate is **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-558)** Report in **NON-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, BEGLEY, BUTLAND, CAHILL, CARPENTER, CIANCHETTE, CLEVELAND, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, SUMMERS, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BALDACCI, BERUBE, BRANNIGAN, BUSTIN, CAREY, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE

ABSENT: Senators None

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, with No Senators being absent, **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-558)** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "B" (H-558) **READ** and **ADOPTED** in **NON-CONCURRENCE**.

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

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

H.P. 613 L.D. 828
(S "B" S-285 to C
"A" H-242)

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

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242) AS AMENDED BY SENATE AMENDMENT "B" (S-285)** thereto, in **NON-CONCURRENCE**.

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

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

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

Bill "An Act Regarding Lobbying"
S.P. 295 L.D. 881
(S "B" S-278 to C
"A" S-183)

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, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183) AS AMENDED BY SENATE AMENDMENT "B" (S-278)** thereto, in **NON-CONCURRENCE**.

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

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

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:

PAPERS FROM THE HOUSE

Non-concurrent Matter

An Act Requiring a Guide for Certain Nonresidents Hunting in Maine

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

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

In Senate, June 3, 1993, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Sent down for concurrence.

Non-concurrent Matter

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-525)**

Minority - **Ought Not to Pass**

In House, June 2, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-525)**.

In Senate, June 3, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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

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

- Senator **CLEVELAND** of Androscoggin.
- Senator **CONLEY** of Cumberland.
- Senator **BEGLEY** of Lincoln.

The Secretary has so informed the Speaker of the House.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Register the Use of the Title of Registered Interior Designer"

S.P. 467 L.D. 1459
(C "A" S-265)

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265) AS AMENDED BY HOUSE AMENDMENT "A" (H-605)** thereto, in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

June 4, 1993

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

Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Bill "An Act to Establish the Penobscot County Budget Advisory Committee" (H.P. 1050) (L.D. 1402).

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

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds for Assistance to Maine Businesses"

H.P. 1148 L.D. 1547

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 1146).

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**.

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

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Set Voluntary Limits for Campaign Spending"
H.P. 1149 L.D. 1549

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 1135).

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**.

On motion by Senator **CAREY** of Kennebec, Senate Amendment "A" (S-282) **READ**.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could the good Senator from Kennebec, Senator Carey, please explain the amendment? Thank you.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill 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. I thank the gentle lady for her particular interest in this Bill. This Bill is an act to set voluntary limits for campaign funding, campaign spending. However, we do not do anything voluntarily if, in fact, we are forced to do something else. Paragraph 9 is the paragraph that says if you do not go along with voluntary funding you are limited to raising your funds at the rate of \$100 per contributor. It kind of restricts a person who is running for State office, a candidate for Governor or U.S. Senator or what have you, from being able to have the \$1000 benefit suppers. Paragraph 10 says that if you have, in fact, offered to do your work voluntarily, to do your spending voluntarily and you go above that, you will then have to pay 100% of what you spent over to a Commission, and it happens to be the Commission on Ethics and Election Laws. That particular paragraph irritates me because we are now getting back into dedicated funds. Thank you.

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

Senator **HALL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. If this amendment is adopted is surely waters down the voluntary spending limits. There really would be no incentive for anyone to sign on to the voluntary spending limits. I agree that the \$100 contribution limit is very restrictive, no question, and the incentive is indeed to sign onto the voluntary limits so that you will not be restricted to accepting only \$100 contributions. If the voluntary spending limit is to work though, there has to be an incentive to sign onto it and this \$100 restriction is indeed the incentive. The carrot, so to speak, to sign onto the program. So for that reason I would oppose the amendment to this Bill. Thank you.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending the motion by Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-282).

Ought to Pass As Amended

The Joint Select Committee on **CORRECTIONS** on Bill "An Act to Clarify Statutory Provisions Related to Juveniles"

H.P. 1103 L.D. 1490

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-578).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-578).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-578) **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.

The Committee on **HOUSING & ECONOMIC DEVELOPMENT** on Bill "An Act to Establish a Development Authority for Loring Air Force Base" (Governor's Bill) (Emergency)

H.P. 1137 L.D. 1537

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-579).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-579).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-579) **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:

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Allow Political Parties to Determine the Method of Nominating Candidates"

H.P. 1064 L.D. 1432

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-585).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-585).

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-585) **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.

(See Action Later Today)

Divided Report

The Majority of the Committee on **LEGAL AFFAIRS** on Bill "An Act to Authorize Video Gaming"

H.P. 683 L.D. 925

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-588).

Signed:

Senators:

CAREY of Kennebec
HANDY of Androscoggin

Representatives:

DAGGETT of Augusta
BOWERS of Washington
GAMACHE of Lewiston
MICHAEL of Auburn
LEMKE of Westbrook
NASH of Camden

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

Signed:

Senator:

HALL of Piscataquis

Representatives:

BENNETT of Norway
ROBICHAUD of Caribou
STEVENS of Sabattus
TRUE of Fryeburg

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 **LEGAL AFFAIRS** on Bill "An Act Making Campaign Finance Reforms"

H.P. 1087 L.D. 1466

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

Signed:

Senators:

CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

Representatives:

DAGGETT of Augusta
BOWERS of Washington
GAMACHE of Lewiston
STEVENS of Sabattus
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg
LEMKE of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-586).

Signed:

Representative:
MICHAEL of Auburn

Under suspension of the Rules, ordered sent forthwith to the Engraving Department.

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.

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

RECALLED FROM ENGRASSING

Bill "An Act to Amend the Motor Vehicle Emission Inspection Program"

H.P. 1005 L.D. 1351
(H "A" H-580; H "B" H-583 to C "A" H-537)

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act to Encourage Implementation of Total Quality Management Procedures in the Executive Branch of State Government" (Governor's Bill) (Emergency)

H.P. 1142 L.D. 1542

(In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.)

(**RECALLED** from Engraving, pursuant to Joint Order (S.P. 528).)

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A"** (H-581).

Signed:

Senators:
BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Senate at Ease

Senate called to order by the President.

Representatives:
DUTREMBLE of Biddeford
WALKER of Blue Hill
LOOK of Jonesboro
BENNETT of Norway
AHEARNE of Madawaska
ROWE of Portland
JOSEPH of Waterville
YOUNG of Limestone

Off Record Remarks

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

Signed:

Representative:
GRAY of Sedgwick

On motion by Senator **LAWRENCE** of York, 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-537) As Amended by House Amendments "A" (H-580) and "B" (H-583) thereto, in concurrence.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-580) to Committee Amendment "A" (H-537), in concurrence.

On further motion by same Senator, House Amendment "A" (H-580) to Committee Amendment "A" (H-537) **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" (H-537) As Amended by House Amendment "B" (H-583) thereto in **NON-CONCURRENCE**.

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-581).

Which Reports were **READ**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-581) **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:

ENACTORS

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

An Act to Amend the Laws Pertaining to the Visitation Rights of Grandparents

S.P. 34 L.D. 40
(C "A" S-259)

Senator **PEARSON** of Penobscot, moved to place on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**. Subsequently the same Senator requested and received leave of the Senate to withdraw his motion.

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

Senator **PEARSON:** Thank you Mr. President, Ladies and Gentlemen of the Senate. It's not my intention to just slap items on the Appropriations Table if people wish to debate them and perhaps I was going a little faster than I should have. I would like to say that all of the items on this page are supposed to go on the Appropriations Table but if anybody wants to debate them, obviously I would defer to that and if they were successful I would then put them on the Appropriations Table. 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 would like to pose a question to the Chair of the Appropriations Committee. Mr. Chairman, Senator Pearson, the revised impact statement indicates that costs can be absorbed by the courts and I was wondering if that had been taken into account by the fiscal office. Thank you.

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

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

H.P. 284 L.D. 371
(S "A" S-263 to C
"A" H-348)

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

An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife and the Atlantic Sea-Run Salmon Commission through Increased License Fees

S.P. 369 L.D. 1126
(C "A" S-248)

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

An Act to Amend and Improve the Laws Related to Education

S.P. 405 L.D. 1263
(C "A" S-262)

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

Emergency

An Act to Expand Opportunities for School-to-work Transition Services Utilizing the Jobs for Maine's Graduates Model (Governor's Bill)

S.P. 509 L.D. 1535
(C "A" S-260)

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend the Laws Governing the Committee to Advise the Department of Human Services on AIDS"

S.P. 451 L.D. 1418
(C "A" S-254)

In Senate, June 2, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254) AS AMENDED BY HOUSE AMENDMENT "A" (H-595)** thereto, in **NON-CONCURRENCE**.

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

Joint Order

The following Joint Order: H.P. 1152

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills concerning tax anticipation notes for fiscal year 1993-94 to the House.

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

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

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

COMMITTEE REPORTS

Senate

Ought to Pass As Amended

Senator **O'DEA** for the Committee on **EDUCATION** on Resolve, to Transfer the Responsibilities of the Division for the Blind and Visually Impaired from the Department of Human Services to the Department of Education (Governor's Bill) (Emergency)

S.P. 487 L.D. 1498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-291)**.

Which Report was **READ**.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation"

H.P. 250 L.D. 329
(S "A" S-257 to C
"A" H-389)

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

In Senate, June 3, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389) AS AMENDED BY SENATE AMENDMENT "A" (S-257)** thereto, in **NON-CONCURRENCE**.

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

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

The Secretary has so informed the Speaker of the House.

Non-concurrent Matter

Bill "An Act to Provide Consistency in the Animal Welfare Laws"

S.P. 345 L.D. 1040
(C "A" S-256)

In Senate, June 2, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-256) AS AMENDED BY HOUSE AMENDMENTS "A" (H-577) AND "B" (H-608)** thereto, in **NON-CONCURRENCE**.

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

Non-concurrent Matter

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-545)**

Minority - **Ought Not to Pass**

In House, June 3, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.

In Senate, June 3, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on **BANKING & INSURANCE** on Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (Emergency)

H.P. 138 L.D. 183

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-582).**

Signed:

Senators:

MCCORMICK of Kennebec
CAREY of Kennebec

Representatives:

PINEAU of Jay
TRACY of Rome
ERWIN of Rumford
RAND of Portland
KUTASI of Bridgton
JOSEPH of Waterville
TOWNSEND of Canaan
CAMPBELL of Holden
HALE of Sanford

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

Signed:

Senator:

KIEFFER of Aroostook

Representative:

CARLETON of Wells

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-582) AND HOUSE AMENDMENT "A" (H-607).**

Which Reports were **READ.**

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

THE PRESIDENT: In reference to the action of the Senate on June 4, 1993, whereby it **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE** on Bill, "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329)

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

Senator **BUSTIN** of Kennebec.
Senator **PARADIS** of Aroostook.
Senator **HARRIMAN** of Cumberland.

The Secretary has so informed the Speaker of the House.

ORDERS OF THE DAY

The Chair laid before the Senate the Tabled and Unassigned matter:

Resolve, to Establish the Academy for Public Service Study Committee

H.P. 874 L.D. 1188
(C "A" H-362)

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

Pending - **FINAL PASSAGE**

(In Senate, May 24, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362).**)

(In House, May 27, 1993, **FINALLY PASSED.**)

On motion by Senator **O'DEA** of Penobscot, the Senate **SUSPENDED THE RULES.**

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

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-362).

On further motion by same Senator, Senate Amendment "A" (S-290) to Committee Amendment "A" (H-362) **READ.**

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Could the good Senator from Penobscot, Senator O'Dea, briefly explain the amendment? Thank you.

THE PRESIDENT: The Senator from Sagadahoc, Senator Cahill, has posed a question through the Chair to any Senator who may care to respond. The Chair recognizes the Senator from Penobscot, Senator O'Dea.

Senator **O'DEA:** Thank you Mr. President, Ladies and Gentlemen of the Senate. The amendment simply takes the fiscal note off the Bill and says that any costs will be absorbed within existing resources. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-290) to Committee Amendment "A" (H-362) **ADOPTED**.

Committee Amendment "A" (H-362) As Amended by Senate Amendment "A" (S-290) 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.

Senate at Ease

Senate called to order by the President.

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

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

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

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

After Recess

Senate called to order by the President.

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

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act Amending the Charter of the Brewer Water District" (Emergency)

H.P. 615 L.D. 830
(C "A" H-250; S "A"
S-177)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND SENATE AMENDMENT "A" (S-177)** in **NON-CONCURRENCE**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250); SENATE AMENDMENT "A" (S-177) AND HOUSE AMENDMENT "B" (H-555)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act Repealing Advisory Boards on State and Local Government Matters"

H.P. 810 L.D. 1096
(C "A" H-483)

In Senate, June 1, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483) AND HOUSE AMENDMENT "A" (H-550)** in **NON-CONCURRENCE**.

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

Non-concurrent Matter

Bill "An Act to Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers"

H.P. 934 L.D. 1257
(C "A" H-485)

In Senate, June 1, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**, in concurrence.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485) AND HOUSE AMENDMENT "A" (H-596)** in **NON-CONCURRENCE**.

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

ORDERS OF THE DAY

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

Bill "An Act Amending the Charter of the Brewer Water District"

H.P. 615 L.D. 830
(C"A" H-250; S"A"
S-177)

Tabled - June 4, 1993, by Senator ESTY of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250) AND SENATE AMENDMENT "A" (S-177) in NON-CONCURRENCE.**)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-250); SENATE AMENDMENT "A" (S-177) AND HOUSE AMENDMENT "B" (H-555) in NON-CONCURRENCE.**)

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

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

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch
S.P. 475 L.D. 1474
(C "A" S-208)

In Senate, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208).**

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208) AND HOUSE AMENDMENT "A" (H-594) in NON-CONCURRENCE.**

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

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 **BUSINESS LEGISLATION** on Bill "An Act to Centralize Licensing for Retail Businesses"

H.P. 399 L.D. 512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-367).**

Signed:

Senators:

CIANCHETTE of Somerset
BUSTIN of Kennebec

Representatives:

THOMPSON of Lincoln
WINN of Glenburn
HILLOCK of Gorham
VIGUE of Winslow
HOGLUND of Portland
CAMERON of Rumford
ST. ONGE of Greene
CLEMENT of Clinton
REED of Dexter

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

Signed:

Senator:

MARDEN of Kennebec

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-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-408)** thereto.

Which Reports were **READ**.

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

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

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

Senator **MARDEN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill, the idea behind this Bill, is very good and the constituents want it, but it is going to create just a lot more problems and it could be one of the biggest bureaucracies that we have here in Augusta. There are some 300 to 400 licenses that the State of Maine demands and I'm just going to mention a few of them, bakery, cider mills, dairy farmers, seed dealers, milk, pesticides, racing, plants, selling alcohol, land use, building permits, air quality, land quality, oil and hazardous waste, water quality, public hottubs, bait dealers, boiler inspectors, bedding, and so forth. This Bill is suggesting that

towns that want to have the issuing person within that town, they will have to pay their salary so that anybody who wants to open any one of these businesses, and there are 300 various types, could go to the municipality and they would assist them or give them a license. It is my position that no town wants to add any more personnel. I do think the Bill is a great idea, there should be a clearing house in Augusta with somebody who has the answers so that if somebody wants to be a worm digger, or if he wants to sell lobsters, or if he wants to open a convenience store, that they could call Augusta and get the right answers. As it is there are various departments where they have to go, depending on what license they want. There is no one central place that they can get information. The proposal is to start a test program of the licenses for someone who wants to open a convenience store and that is probably one of the greater number of small businesses in the State, little convenience stores that are selling bait and so forth, and they would like to have it so they can go down to the Town Clerk and get a license. It just doesn't work that way. For convenience stores most of the licenses come out of the Department of Agriculture. They do the inspecting, they issue the licenses.

The Department of Agriculture is still going to be the place that does the inspecting. The towns will not do it, they will just issue the permits. The ironic part of this Bill is the Department of Agriculture was not even brought in to give their opinion on this Bill. I would urge that you vote to Indefinitely Postpone this, let them do some more homework and come up with a program for giving information to the people. Thank you.

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

Senator CIANCHETTE: Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to make a few points about this. If I remember right this would be the second time that my neighboring Senator, the Senator from Kennebec, Senator Marden, who represents my home town for many years, Pittsfield, and further considering that Senator Marden is probably one of the older members of this body, if not the oldest, and I am right up there close with him, that how these two great minds can be so far apart on one Bill just escapes me. There must be something falling through the cracks here because this good consumer Bill before us certainly deserves to be passed and you just have to understand that this is a permissive piece of legislation and we would not want to interfere with the Agriculture Department or the Fire Marshall, or any of the folks that have these 300 licenses that these small businesses have to get for selling angle worms or whatever it is they are going to sell. It seems to me that we could give these folks a break and pass this Bill and start movement toward a little efficiency in State Government. I would urge that you vote against the motion of my very good friend and neighboring Senator, the oldest member of this body, the Senator from Kennebec, Senator Marden. Thank you.

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

Senator HARRIMAN: Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the good Senator from Kennebec, Senator Marden, in support of his motion. I would like to share with you what has been going on in the Housing

and Economic Development Committee, we too view this notion of one stop shopping as an opportunity to make it easier for people to do business in the State of Maine, and the approach we have taken I think will produce tangible results. The work is going to continue on in our Committee and we are hopeful with the cooperation of the Department of Economic and Community Development, along with the ideas that have been mentioned in this Bill, we will be working together and we will have a much better piece of legislation that will accomplish what we all wish to do, and that is to work with and not against people who want to provide jobs in this State. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **MARDEN** of Kennebec to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-CONCURRENCE**. The Chair will order a Division.

On motion by Senator **CAHILL** of Sagadahoc, Tabled until Later in Today's Session, pending the motion by Senator **MARDEN** of Kennebec, to **INDEFINITELY POSTPONE** Bill and Accompanying Papers in **NON-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 **BANKING & INSURANCE** on Bill "An Act Establishing the Maine Community Reinvestment Program"

H.P. 590 L.D. 794

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

Signed:

Senators:

CAREY of Kennebec
KIEFFER of Aroostook

Representatives:

PINEAU of Jay
HALE of Sanford
TRACY of Rome
ERWIN of Rumford
CARLETON of Wells
KUTASI of Bridgton
CAMPBELL of Holden

The Minority of the same Committee on the same subject reported that the same **Ought to Pass** as **Amended by Committee Amendment "A" (H-540)**.

Signed:

Senator:

MCCORMICK of Kennebec

Representatives:

RAND of Portland
JOSEPH of Waterville
TOWNSEND of Canaan

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

Which Reports were **READ**.

Senator **CAREY** of Kennebec moved that the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**.

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

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This Bill merely duplicates what is already required by Federal law. The Federal Banking laws now require reinvestment by banks in the local communities. As a matter of fact, during the last examination there was only one bank in the State of Maine that had even a marginal ranking in this regard. I believe that this is just another burden we are placing on the banks. If the State of Maine so desires, I'm sure the information obtained in the Federal reports could be made available and it's just another duplication of efforts in my opinion. 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 a lot of misunderstanding about what this Bill is now because it is not as it was just described. Forget what the Bill was, the amendment merely asks that the State of Maine's money be invested in banks that receive an outstanding or satisfactory rating from the Community Reinvestment Act regulators, and those are Federal regulators that do that every year. There is no more regulation, there is no administrative burden. The Committee did not want that at all. This merely asks, in these hard times, when we have very little money for economic development that we use the State's funds and put them where they do the most good for the local community so please support the Minority Report. Thank you.

The Chair ordered a Division.

On motion by Senator **CAHILL** of Sagadahoc, 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 Aroostook, Senator Kieffer.

Senator **KIEFFER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. As a matter of clarification I believe that you made mention of the Minority Ought to Pass Report on this. Was the motion for the Ought Not to Pass Report?

THE PRESIDENT: The Chair would answer in the negative.

Senator **CAHILL** of Sagadahoc requested and received leave of the Senate to withdraw her request for a Roll Call.

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'm sorry to interfere. We were doing some work up back and I was confused on the motion. I think most of the members in the chamber were confused. We just want to make sure that everyone knows what they are voting on and that was the reason why I asked for a Roll Call. Thank you.

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

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec, to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report in **NON-CONCURRENCE**, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-450) **READ** and **ADOPTED**.

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

Sent down for 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 to Improve Local Control over Liquor Licensing"

H.P. 589 L.D. 793

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

In Senate, June 2, 1993, Bill and Accompanying Papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

On motion by Senator **CAREY** of Kennebec, the Senate **ADHERED**.

The Secretary has so informed the Speaker of the House.

Non-concurrent 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
(C "A" S-271)

Majority - **Ought Not to Pass**

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

In Senate, June 3, 1993, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271)**.

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

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

The Secretary has so informed the Speaker of the House.

On further motion by same Senator, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Amend Certain Laws Governing Solid Waste Management"

H.P. 966 L.D. 1297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-535)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-535) AS AMENDED BY HOUSE AMENDMENT "A" (H-575)** thereto.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-535) **READ**.

House Amendment "A" (H-575) to Committee Amendment "A" (H-535) **READ**.

On motion by Senator **LAWRENCE** of York, House Amendment "A" (H-575) to Committee Amendment "A" (H-535) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Committee Amendment "A" (H-535) **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**.

Sent down for concurrence.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on **AGRICULTURE** on Bill "An Act to Amend the Law Pertaining to the Limitations on Simulcasting"

H.P. 691 L.D. 932

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-556)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-556) **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 **ESTY** of Cumberland, the Senate **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Resolve, to Establish the Labor and Welfare Transition Team to Facilitate the Inclusion within the Department of Labor of Certain Welfare Functions of the Department of Human Services (Governor's Bill) (Emergency)

H.P. 1102 L.D. 1489

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

Signed:

Senator:

PARADIS of Aroostook

Representatives:

- TREAT** of Gardiner
- JOHNSON** of South Portland
- TOWNSEND** of Portland
- FITZPATRICK** of Durham
- BRENNAN** of Portland
- BEAM** of Lewiston
- GEAN** of Alfred

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-565).**

Signed:

Senators:

BALDACCI of Penobscot
HARRIMAN of Cumberland

Representatives:

BRUNO of Raymond
PENDLETON of Scarborough
PENDEXTER of Scarborough

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

Which Reports were **READ**.

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

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to ask you not to support the pending motion on L.D. 1489. As we have discussed many times over the last week this is yet another opportunity to help our needy citizens who are using our entitlement programs to return to work and opportunity. By voting against the pending motion so that we can go on to accept the Minority Report, we will be creating an opportunity to bring the Labor and Welfare Transition team together to combine programs of Aid to Families with Dependent Children, General Assistance, Emergency Assistance, Food Stamps, and other additional support programs. The Minority Report seeks to increase efficiency and effectiveness, focus on job rehabilitation and improvement of the quality of life, expand opportunities for people with disabilities and increase the speed of processing services without reducing quality. This is also an opportunity to respond to the public's demands and thirst for restructuring of State government. This is an opportunity for you to prove to people that we want to work with our people who are in need of entitlement programs to return back to full time employment. I urge you to vote against the pending motion so we can go on to accept the Minority Ought to Pass Report. 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. We agree with all of the comments made by the good Senator Harriman, however, we have taken care of those issues in another Bill that will be in front of us shortly. Thank you.

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

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act to Abolish the Lobster Promotion Board and Repeal the Fees Supporting its Operations"

H.P. 54 L.D. 84

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

Signed:

Senators:

VOSE of Washington
PINGREE of Knox
GOULD of Waldo

Representatives:

MITCHELL of Freeport
SWAZEY of Bucksport
COLES of Harpswell
SKOGLUND of St. George
LEMONT of Kittery
CONSTANTINE of Bar Harbor
HEINO of Boothbay
TOWNSEND of Eastport

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-610).**

Signed:

Representatives:

FARREN of Cherryfield
LOOK of Jonesboro

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.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Enforcement Provisions of the Bureau of Taxation"

H.P. 844 L.D. 1149

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-611).**

Signed:

Senators:

BALDACCI of Penobscot
 CAREY of Kennebec
 SUMMERS of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-612).**

Signed:

Representatives:

MURPHY of Berwick
 SIMONEAU of Thomaston
 SPEAR of Nobleboro

Comes from the House with the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-612)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-612).**

Which Reports were **READ.**

The Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611)** Report **ACCEPTED** in **NON-CONCURRENCE.**

The Bill **READ ONCE.**

Committee Amendment "A" (H-611) **READ** and **ADOPTED.**

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

Sent down for concurrence.

ENACTORS

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

Emergency

An Act to Allow the Transfer of Surplus Lands from the State Nursery

S.P. 89 L.D. 243
 (C "A" S-235; H "A" H-520)

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

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **BANKING & INSURANCE** ON Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (Emergency)

H.P. 138 L.D. 183

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-582)**

Minority - **Ought Not to Pass**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 4, 1993, Reports **READ.**)

(In House, June 4, 1993, Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AND HOUSE AMENDMENT "A" (H-607).**)

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

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'll be very brief. This Bill was passed last year with a sunset and this removes the sunset. The Bill is a parity Bill, it seeks to treat biologically based mental illnesses the same as physically based illnesses, visa vie health insurance. Currently there is a \$25,000 lifetime cap in coverage of biologically based mental illnesses. That's your schizophrenia and bipolar disease, biologically based illnesses. On the other hand there is a \$1 million cap in physically based illnesses. This causes huge problems for families whose child or husband or wife can be struck at any moment with a biologically based illness and in a matter of two months can have reached that \$25,000 cap. What then happens is catastrophe. There have been cases of families having to give their child over to the State because they are facing bankruptcy of millions of dollars in bills, it has caused the breakup of families and basically what this Bill does is ask that biologically based mental illnesses be treated the same as physically based mental illnesses. It has \$147,000 fiscal note, which those of us in favor of

this Bill are very willing to send out to the Appropriations Table and deal with it there. We would ask that this debate and this vote be on parity and one of humanity and treating the families with biologically based mental illnesses the same as others. 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. On first observation, since I voted against this Bill, I suppose it might be interpreted that I am opposed to treating mentally ill patients, certainly nothing is further from the truth. I've had some hard moments in thinking about this Bill but the Bill does more than just what this fiscal note implies. I do agree with the good Senator that the present law provides and inadequate amount of mental health coverage. It has a limit of \$25,000 on it today and we all know that that is totally inadequate. The Bill, as it came out of Committee, when the vote was taken had an unlimited coverage as far as mental health is concerned. It was not limited to a \$1 million limit, that is being added by an amendment. The Bill is much more expensive than the fiscal note would denote. For example, Blue Cross and Blue Shield, in their report dated April 30, 1993, indicates that in the State Employee Health Program the first four years of cost under that program would be an additional amount of \$153,023 the first year, \$205,488 the second year, \$410,967 the third year and the fourth year it goes to \$832,882. The present State insurance program provides a higher degree of mental health coverage than most group policies and individual policies do on the open market. Therefore, the impact and cost to businesses and individual policy holders is going to be a slightly higher percentage than these percentages are to the State Employee Health Program. I just don't feel that this is the time with budget constraints that we can once again saddle our businesses with this tremendous cost.

Costs, again, are not the only thing. At the present time our Banking and Insurance Committee is wrestling with the health care issue for the State of Maine and you all know very well that the Federal program is due out at different dates, depending on who you listen to. I would certainly expect it later this summer. The last date I tentatively heard has now been moved back to late August or September. However, you will be receiving a Bill from our Banking and Insurance Committee that is putting together the data collection process, the details for formulating a State of Maine health plan for all residents of the State and we tentatively hope to have that ready next January. That study does include, under item 6, access to services including health care and mental health. I believe that we are much better off to postpone the sunset on this legislation for one year and keep the present plan in force for that period of time. During that time our Banking and Insurance Committee would have had an opportunity to do our homework and hopefully come back with an acceptable plan for the entire State of Maine which will include this mental health situation. I can go on at greater cost, but cost is only one segment of this problem as I see it. I would like to just have the opportunity given to our Committee to put this whole thing in its proper perspective and certainly look into it the same as we well the rest of the entire health program. Thank you.

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

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-582) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-607) **READ** and **ADOPTED**, in concurrence.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY & NATURAL RESOURCES** on Bill "An Act to Allow the Use of Advanced Lightweight Beverage Containers"
H.P. 193 L.D. 256

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-501)**.

Signed:

Senators:

CIANCHETTE of Somerset
LUDWIG of Aroostook

Representatives:

JACQUES of Waterville
MARSH of West Gardiner
GOULD of Greenville
POULIN of Oakland
LORD of Waterboro
ANDERSON of Woodland

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

Signed:

Senator:

LAWRENCE of York

Representatives:
WENTWORTH of Arundel
COLES of Harpswell
CONSTANTINE of Bar Harbor
MITCHELL of Freeport

Comes from the House with the Reports **READ** and the Bill and Accompanying Papers **RECOMMITTED** to the Committee on **ENERGY AND NATURAL RESOURCES**.

Which Reports were **READ**.

On motion by Senator **ESTY** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **ENERGY & NATURAL RESOURCES**, in concurrence.

Divided Report

The Majority of the Committee on **HUMAN RESOURCES** on Resolve, to Establish the Health and Social Services Transition Team to Develop the Governor's Restructuring Proposal to Combine the Departments of Human Services and Mental Health and Mental Retardation and the Office of Substance Abuse in a New Department of Health and Family Services (Governor's Bill) (Emergency)

H.P. 1112 L.D. 1508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-516)**.

Signed:

Senators:
PARADIS of Aroostook
BALDACCI of Penobscot

Representatives:
TREAT of Gardiner
BEAM of Lewiston
PENDEXTER of Scarborough
PENDLETON of Scarborough
JOHNSON of South Portland
FITZPATRICK of Durham
BRENNAN of Portland
TOWNSEND of Portland
GEAN of Alfred

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-517)**.

Signed:

Senator:
HARRIMAN of Cumberland

Representative:
BRUNO of Raymond

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516) AS AMENDED BY HOUSE AMENDMENT "A" (H-600)**.

Which Reports were **READ**.

Senator **PARADIS** of Aroostook moved that the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)** Report, in concurrence.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the report that I was so anxious to move Ought to Pass a little while ago. Many times we have heard this year that we haven't had time to work on things, this is the result of several task forces that have been working over the past few years and have finally come to fruition. I am very proud to present to you a restructuring that will eventually cause us to save a lot of money because we will finally be doing things so much more effectively. I have submitted to you, on your desks, an outline of what this Bill does. I would urge your support for this. Thank you.

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

Senator **HARRIMAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I agree with my seatmate in the Human Resources Committee, the Senator from Aroostook, Senator Paradis, this is a terrific piece of work that our Committee has done and I agree with the points that she has made and with the material she has presented. However, most respectfully, I must suggest to you that we can do better and the Minority Ought to Pass Report attempts to do that. First of all, as I'm sure you can all appreciate our budget challenges are overwhelming at this point in time, within the Governor's proposed budget the the Appropriation's Committee is working with, the Minority Ought to Pass Report anticipates a \$1.5 million savings. It deserves your attention. The Majority Ought to Pass Report projects a \$500,000 savings, that's a \$1 million swing in these two reports. The L.D. 1508 Minority Report gives you an opportunity to trim the State government bureaucracy and to establish a State agency that can deliver health and social services to Maine citizens in a more coordinated and cost effective way. By combining three State agencies we are proving to the people of Maine that we have heard they want State Government to re-prioritize and re-focus its energies. In a single agency concept, all contracting, auditing, licensing in the health and social service areas, are combined. Administrative rulemaking for health and social services will be simplified and unified. All management and budget functions will be consolidated. Clearly, a terrific opportunity for us to respond to the citizens of Maine in a cost effective way. Both reports try to accomplish the same goals. This one does a better job of it, I believe, so I would ask you most respectfully not to vote for the pending motion so that we can go on to accept the Minority Ought to Pass Report.

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

Senator **PARADIS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Again I rise to urge your support of this. It was a very bipartisan report as you can see. The quality that we are going to be getting from the consolidation in this way is going to far outstrip the projected savings, I really feel. We don't want to be creating another monster, we are trying to get away from that. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)** 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.

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-516) **READ**.

House Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-516) As Amended by House Amendment "A" (H-600) thereto, **ADOPTED**, in concurrence.

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

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

Which Reports were **READ**.

On motion by Senator **BERUBE** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report, **ACCEPTED**, in concurrence.

ENACTORS

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

An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke

H.P. 666 L.D. 904
(S "B" S-232 to C
"A" H-358)

An Act Concerning Plastic Holding Devices Used in Packaging

S.P. 350 L.D. 1064
(C "A" S-228)

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Prohibiting Local Ordinances that Regulate Indoor Private Gatherings" H.P. 987 L.D. 1318

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

Signed:

Senators:

BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

Representatives:

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

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

Signed:

Representatives:

AHEARNE of Madawaska
KILKELLY of Wiscasset

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 Consolidate All Substance Abuse Programs within the Office of Substance Abuse"

H.P. 1099 L.D. 1486

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-563)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-563)**.

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

The Bill **READ ONCE**.

Committee Amendment "A" (H-563) **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 to Minimize Electric Rates"
S.P. 307 L.D. 940
(C "A" S-159)

In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159)**.

Comes from the House **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159) AS AMENDED BY HOUSE AMENDMENT "C" (H-592)** thereto, in **NON-CONCURRENCE**.

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

House Papers

Bill "An Act to Amend the Laws Governing the Required Qualifications to Practice Law in the State"
H.P. 1153 L.D. 1552

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

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on **JUDICIARY** on Bill "An Act to Expand the Duties of the Judicial Council to Include Implementing the Recommendations of the Commission to Study the Future of Maine's Courts and to Implement Certain Other Recommendations of the Commission" (Emergency)
H.P. 1154 L.D. 1553

Reported that the same **Ought to Pass** pursuant to Joint Order (H.P. 1134).

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.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General
H.P. 960 L.D. 1291

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-432)**.

Signed:

Senators:

BERUBE of Androscoggin
BUTLAND of Cumberland

Representatives:

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

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

Signed:

Senator:

ESTY of Cumberland

Representative:

KILKELLY of Wiscasset

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**.

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 Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would urge the body to oppose the Ought to Pass As Amended Report. It seems to me that in regards to this particular motion and the election of the Attorney General, that we have a system that has served the State of Maine very

well for the last 150 to 200 years. It seems to me that we can make some minor improvements on the system but I don't think that this is the correct process for us to take. I would urge you to oppose this motion and then support the Ought Not to Pass motion. Thank you.

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

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 also to oppose this motion and ask you to support the Ought Not to Pass motion. It seems to me that we are getting into very dangerous areas when the Chief Law Enforcement Officer of the State will need to run for election and raise campaign funds from perhaps those potential individuals that he or she will have the responsibility over which to enforce the laws of the State. In other states where they have popularly elected Attorney Generals, there have been some horror stories in regards to those kinds of improprieties. I would suggest that what we have isn't perfect, it has some blemishes, but I would urge you not to take a dramatic new approach that has tremendous risks to it and put our chief law enforcement officer at the risk of being obliged to consider those large donors to his or her campaign when those individuals may be subject to the laws of the State which that person may have to enforce. 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. I would rise today just to speak in favor of the pending motion. The State of Maine is the only State in the Union where the Attorney General is elected by the Legislature. In 43 states they are popularly elected and 5 other states the Governor appoints and in 1 other State the Supreme Court appoints. This is a major public policy maker in the State of Maine and should be held accountable to the State of Maine, not the 186 people in the legislature. I feel that the way the system is presently structured it puts too much reliance on past service in the legislature. That seems to be a prime prerequisite. If we go to popular election I think that it will open up the pool of potential candidates and we will have a much larger pool to choose from. I hope that you will support the pending motion. 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 hope that you will oppose the Ought to Pass as Amended Report. I have heard it said that simply because Maine is the only State where the Legislature elects the Attorney General that it is a bad idea. My experience, and I have dealt with Attorney General's from two neighboring States, Massachusetts and New Hampshire, one where it is appointed by the Governor and one where it is elected by popular election and I haven't seen any difference in the quality of the Attorney General's. In fact, I feel the Attorney General's in Maine have been higher quality than those two states. Every election year the State of Maine faces calls for a boundary dispute between Maine and New Hampshire over the location of the shipyard. That is largely because in their State the Attorney General

has become much more of a political position than it is in this State. I understand the comments about who runs for the Attorney General's office now, but I want to point out that if we change this to be a popularly elected position, the people you are going to see running for the Attorney General's position are mainly attorney's from the large law firms in this State who can raise the kind of money that it is going to take to run for that kind of position. It is going to be people who can raise \$400,000 or \$500,000 or \$600,000 and who they are going to raise it from are the very attorney's that they are going to be prosecuting cases against. If you want to talk about a conflict of interest, that will be a conflict of interest. I was up here a few days ago speaking about how, when I get in the elevator with the Governor, I don't even think he knows who I am. If we popularly elect the Attorney General how will the Attorney General relate to us in the legislature. When we have a problem with our constituents with the Attorney General's office, I can go to the Attorney General's office for that constituent, and I can get the Attorney General's ear. When a constituent has a problem, again, how will they be able to contact their Attorney General. They will not get the service out of the Attorney General's office that we get now. 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. Our caucus this afternoon really had a little bit of a laugh because we had been talking about the questionnaires we sent out and what the response was on certain issues. The point came up, and I can't remember who in our caucus raised it, as far as there was an overwhelming support in one area. The comment was raised when was the last time we followed public opinion and did something the public wanted up here. I'm going to make this speech once, we have a number of popular elections of our constitutional officers, and I'm going to share this speech with you once. I did send out a questionnaire and I asked on the questionnaire, and I will read it to you exactly as I wrote it because I know depending on how you write a question will sometimes dictate the answer you receive, I stated "Currently our State Constitutional Officers, our State Attorney General, our Secretary of State, and our State Treasurer are elected by the majority party of the State Legislature. There are proposals for changing this system. Which do you prefer?" To keep it the way it is now, 28% said yes, and 72% said no. To popular election of Constitutional officers, 76% said yes and 24% said no. Appointment of Constitutional officers by the Governor and approved by the Legislature, 52% said yes and 48% said no. I guess I'm going to go against the opinion of some of the members of the caucus and vote the way my constituents have told me to. They have given me a directive. I think the question that I posed was fair and I think the people of my district are fairly intelligent people, I mean they did vote to send me up here and represent them. First, for the Attorney General, the good Senator from York, Senator Lawrence, raised some legitimate concerns and they are legitimate but there are just as many legitimate concerns on the other side as far as instead of having just to be accountable to the large law firms in Portland, or Lewiston, or Bangor. I disagree to a certain extent because I think the people of the State of Maine will be able to critique exactly what the credentials of that Attorney are. Currently, if you take a look at the people who run for Attorney General here in the Legislature, and you can do a

case study over the last ten sessions, they have either been in the Attorney General's office already, a former member of this chamber or a former member of the other chamber. Those are the individuals, that's the pool that we are drawing from. It is a very limited pool. My proposal is if we open it up to popular election we would be able to open up the pool. I guess I would have a little bit of a concern as far as the accountability of the Attorney General's office and what the difference would be from a popularly elected Attorney General and an Attorney General elected by the majority party of the legislature, or a majority of the legislature. For the last seven years I have put forward term limit legislation. Every year a request has been put forward by the Committee of jurisdiction over the Attorney General's office and I have from each session I have a letter from Cab Howard that I have framed and on my wall as far as basically saying no, the opinion of the Attorney General's office is that you cannot do this statutorily, it can't be done. Well we have just found from the Supreme Court of our State that it can be done and maybe the Attorney General is off the mark. I think if we go with a popularly elected Attorney General he will be much more accountable to the people of the State of Maine. I agree with the good Senator from York, there is some give and take on both sides and I guess when I balance it off I find I balance it off more toward the popular election. When the vote is taken I request the yeas and nays. Thank you.

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 Androscoggin, Senator Berube.

Senator **BERUBE:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I'd like to share with you some of my personal reasons why I will be voting with the Majority Ought to Pass Report, a report, by the way, which is totally bipartisan. There are 6 members of the Democratic party in the Ought to Pass and 5 members of the Republican party in the Ought to Pass Report. Maine is, indeed, the only State that elects by its partisan legislature its Attorney General and there is the perception out there that it is a position which should not be partisan and it is, indeed, partisan. I stress the word perception. This Bill would remove that perception of the fact that it is political and partisan. People would have an opportunity to make a selection if it were an election at large and question the candidates on what their positions are on sexual abuse cases, and we have many of those that come before the Judiciary Committee, on the budget for the AG's office, on prison corrections, and issues of that nature. They would know before hand how the candidate felt on those issues. Currently, local elected officials, such as the District Attorney's, can be removed by unelected Attorney General's. Last, but not least, I think it would open up the process to many attorney's throughout the State, young, brand new attorneys, or those who are a little older and experienced who could offer something or bring some new ideas into the process. I think it is a fair, democratic process and I think we should allow the citizens of this State the chance to select the AG. Thank you.

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

Senator **BERUBE** of Androscoggin who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **BALDACCI** of Penobscot who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, PINGREE, SUMMERS, WEBSTER**

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

ABSENT: Senators None

PAIRED: Senators **BALDACCI, BERUBE**

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

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, 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.

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Treasurer of State

H.P. 961 L.D. 1292

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-433)**.

Signed:

Senator:
BUTLAND of Cumberland

Representatives:
BENNETT of Norway
AHEARNE of Madawaska
DUTREMBLE of Biddeford
GRAY of Sedgwick
LOOK of Jonesboro
ROWE of Portland
YOUNG of Limestone

ABSENT: Senator BALDACCI

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator BERUBE of Androscoggin, to ACCEPT the Minority OUGHT NOT TO PASS Report, in concurrence, PREVAILED.

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

Signed:

Senators:
BERUBE of Androscoggin
ESTY of Cumberland

Representatives:
WALKER of Blue Hill
JOSEPH of Waterville
KILKELLY of Wiscasset

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

Which Reports were **READ.**

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

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

Senator **CAHILL:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would request the yeas and nays and ask you to vote against the pending motion. Thank you.

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

THE PRESIDENT: The pending question before the Senate is the motion by Senator **BERUBE** of Androscoggin to **ACCEPT** the Minority **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 BERUBE, BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CLEVELAND, CONLEY, ESTY, HANDY, LAWRENCE, LUTHER, MCCORMICK, O'DEA, PARADIS, PEARSON, PINGREE, TITCOMB, VOSE, THE PRESIDENT - DENNIS L. DUTREMBLE

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

Divided Report

The Majority of the Committee on **STATE & LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State

H.P. 965 L.D. 1296

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-434).**

Signed:

Senators:
BERUBE of Androscoggin
BUTLAND of Cumberland

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

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

Signed:

Senator:
ESTY of Cumberland

Representatives:
AHEARNE of Madawaska
JOSEPH of Waterville
KILKELLY of Wiscasset

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolution **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434).**

Which Reports were **READ.**

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

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

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

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

Senator **PINGREE** of Knox who would have voted **YEA** requested and received Leave of the Senate to pair her vote with Senator **BALDACCI** of Penobscot who would have voted **NAY**.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LUDWIG, MARDEN, MCCORMICK, SUMMERS, WEBSTER**

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

ABSENT: Senators None

PAIRED: Senators **BALDACCI, PINGREE**

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion by Senator **BERUBE** of Androscoggin, to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (H-434) **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 **HANLEY** of Oxford, under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

ENACTORS

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

An Act Concerning the Clerk-of-the-works
H.P. 219 L.D. 287
(S "C" S-241 to C
"A" H-382)

Which 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:

HELD BILL

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

Senator **BUSTIN:** Mr. President, is the Senate in possession of "An Act to Allow Political Parties to Determine the Method of Nominating Candidates" H.P. 1064, L.D. 1432?

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

On motion by Senator **BUSTIN** of Kennebec, the Senate **RECONSIDERED** its action whereby it **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence:

Bill "An Act to Allow Political Parties to Determine the Method of Nominating Candidates" H.P. 1064 L.D. 1432 (C "A" H-585)

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**, in concurrence.)

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

ORDERS OF THE DAY

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

Pending - **ACCEPTANCE** of Report

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

Senator **ESTY** of Cumberland moved to Table 1 Legislative Day, pending **ACCEPTANCE** of Report.

On motion by Senator **WEBSTER** of Franklin, Tabled until Later in Today's Session, pending **ACCEPTANCE** of Report.

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

SENATE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-276)**

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

Pending - **ACCEPTANCE** of Report

(In Senate, June 3, 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 Later Today Assigned matter:

Bill "An Act to Set Voluntary Limits for Campaign Spending"

H.P. 1149 L.D. 1549

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - Motion by Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-282)

(In Senate, June 4, 1993, Senate Amendment "A" (S-282) **READ**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED**.)

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending the motion by Senator **CAREY** of Kennebec to **ADOPT** Senate Amendment "A" (S-282).

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

HOUSE REPORTS - from the Committee on **LEGAL AFFAIRS** on Bill "An Act to Authorize Video Gaming"

H.P. 683 L.D. 925

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-588)**

Minority - **Ought Not to Pass**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Either Report

(In Senate, June 4, 1993, Reports **READ**.)

(In House, June 4, 1993, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **BUSTIN** of Kennebec moved to Table 1 Legislative Day, pending **ACCEPTANCE** of Either Report. Subsequently, same Senator requested and received Leave of the Senate to withdraw her request to Table 1 Legislative Day, pending **ACCEPTANCE** of Either Report.

Senate at Ease

Senate called to order by the President.

Senator **HALL** of Piscataquis moved that the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, 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. At a time when we are in great need of money, at a time, basically, when we are setting a limit of a maximum of \$300,000 that we are going to raise, at a time when we have the approval from the State Police who will be controlling this operation, if we can get it started by the first of January this will return to the State some \$17 million in this particular fiscal year, which would greatly relieve some of the needs that we have. In a full year it is expected to return over \$50 million so that we would be in a position to take care of some of those programs that we are, in fact, forced to curtail even lower than what we really want to curtail them. Therefore, I would hope that you would refuse the motion of the good Senator from Piscataquis, Senator Hall, and if you defeat that motion then I would be in a position to make a motion to accept the Ought to Pass Report. Thank you.

The Chair ordered a Division.

On motion by Senator **CONLEY** of Cumberland, 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 Conley.

Senator **CONLEY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I am a co-sponsor of this measure. I really cannot let it go without saying a few words about it. Like many of you, I have been walking around the halls here lately and observing many of the long faces of those individuals who are facing substantial cuts from the

Appropriations Committee as they sit downstairs. As a matter of fact, I have been sitting up in my own Committee working on a lot of Bills which I find pretty distasteful. One of them, a Bill from the Senator from Cumberland, Senator Harriman, which was designed to suspend people's driver licenses if they don't pay their back child support, and taking away every other license they would have too. As I have told him I don't think the Department of Human Services would be happy to have the authority to set up jails, because they want to get money so bad and people around here want money so bad that they are willing to go for just about anything, even if it tramples on people's civil rights, all because of the cuts we are making downstairs. This Bill is something that has been worked on for some four years almost and every bug in it has been taken out. The good Senator from York, Senator Lawrence, though he opposed this measure last year insured that the safety mechanisms are in there to make sure that this Bill will work and that these video lottery machines are set up in such a way so that the public is protected, that there is no fraud involved. They will be set up exactly as a lottery machine is set up. I have got to say that I am a little surprised about the overwhelming support for rejecting this measure. It reminds me of that movie Casablanca. I remember the famous scene there with the french commander who was head of the Vichie Government, who has been hanging out at Monsieur Rick's Cafe. He walks in under the orders from the German's, and here is a man of course who is shocked that there is gambling going on in this cafe, and as he is giving the orders to shut down the cafe the maitre'd comes over and says your winnings sir, thank you very much, then he ordered all of the people out. We here in the State of Maine, we have the lottery, we have Beano, we have Lucky 7, we have horse racing. Gambling is here, gaming is here. Whether you want to believe it or not it is amongst us and for us to turn our backs on \$17 million, which is what I believe the fiscal office said this will raise, is insane. It is insane for a very good reason, because it is going on as we sit here. I have told many in this chamber, I, like many of you, tend to spend some of my free time in the establishments that would have these very machines. I know for a fact that the so-called gray machines are out there. They are being used, they are illegally in establishments across the State that sell alcohol and we are not getting one penny from it, not a nickel. We should not sit back and allow this to go on unregulated. This is our opportunity to see that it is regulated and done properly. Right now we do not have enough State Police to go out and ensure that people are obeying the law, and to be honest with you our hospitality industry is so crippled that many of them are forced to turn to these gray machines. If this Bill is passed it will create many jobs and would help that industry get back on its feet. People want to talk about economic development around here, we sat here and passed a Bill the other day relating to tourism which I will support, but it doesn't go down to the Appropriations Table to compete with monies that everybody else around here has to fight for. There is a mechanism on that Bill that will allow the tourist industry to spend some \$6 million over the next two years based on the promise that they will raise the money to put that back in the budget. That's the funniest piece of financing I have ever seen. Here is something that is real, that we can look at, that has been going on in other States approved, some 7 States as I understand it have been getting revenues from this, and it is a voluntary way to raise money. It is not a tax. People don't want to raise taxes, that's fine. I'm not going to sit

around and watch my constituents, many of them are on AFDC, many of them who haven't got an even break in life, not to have their services funded. This is a real way to fund them and it is easy to just sit around here and say we are not going to do anything. This is gambling and I'm not going to go along with it. It's wrong, it's out there, the money is not coming to us that should come to us and we are passing up a very real opportunity to help some people in this State who need help. Thank you.

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

Senator **SUMMERS:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise to join my good friend from Cumberland County, Senator Conley, and his effort. As long as he is spinning yarns about being shocked that gambling is going on it reminds me of my grandmother's, who are adamantly opposed to gambling, except for Bingo, that isn't gambling. I think that it is very shortsighted on our part to come into this chamber and act as if this evil doesn't exist in the State today. There are many places, and it comes as no surprise to the members of my caucus, there are many places in my district where you can enjoy these machines somewhat outside of the law at this particular point. I simply look at it like this, I don't think that we can afford to stick our heads in the sand on this particular issue. These machines are available to all of us throughout the entire state and I think it is somewhat prudish of us to insist that these should go unregulated. I think it is a prudent move and I would urge this body to reject the pending motion. Thank you.

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

Senator **LUTHER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. What is there out there that is not being taxed? If we taxed marijuana, think of the tax dollars. We could tax cocaine and get even more tax dollars. Do we dare think of taxing prostitution? Think of the tax dollars. I think it is still a free country for prudes. Gaming is here to stay, but it is not here with my vote. It is irresponsible, I think it lacks integrity and I am proud to vote against it. If we need money let us raise legitimate taxes or let us cut the services. 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'd like to pose a question through the Chair to any Senator who cares to respond. I heard here earlier that these machines do, in fact, exist. Illegally by the way, and we do not have enough police or enforcement to regulate them. How would we propose to do that in this tight budget time if we put in hundreds or thousands of these throughout the State?

THE PRESIDENT: The Senator from Aroostook, Senator Kieffer, 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. The good gentleman from Caribou brings up a good point, because in this Bill there is, in fact, a force of State Police people who

are going to be put onto this particular job. Paid for with the monies brought in by this particular mechanism to ensure that there is policing. They are going to investigate the manufacturers to be sure that the machines cannot be fixed, they are going to check with the other states who have these machines, and with the State police in those states to be sure that there are adequate controls being built in, they are going to check the background on the distributors, those people within the State who will be distributing these machines, also the places that serve liquor so that these machines will not be in an area where children can get at them, they are going to be checking the licensees who are going to be having these machines in their places. Those very same people, after they complete those particular tasks will then be the enforcement arm of the entire operation. It is the State police who will control it, it is not people out of the lottery, who sell lottery tickets, it will be law enforcement people who will be enforcing it. 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'd like to pose a question through the Chair. If these machines are currently existing, and they are illegal, why don't we take them out. Why are they not removed. Thank you.

THE PRESIDENT: The Senator from Kennebec, Senator McCormick 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. My understanding is there are only some three people who are assigned to the Gaming Division of the State Police for state wide enforcement. The machines are so rampant and often times they are labeled in such a way so they are advertised as not paying out any winnings. So you would actually have to catch somebody being paid after they have played the machine. That famous old line, For Amusement Purposes Only. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise because this raises concerns with me. Certainly we have serious budget problems but to use this method for providing opportunities for widespread gambling throughout the State poses a risk to many people who find it very difficult to responsibly manage their habits in regards to gambling. The Bill itself, I think, even recognizes that. It allocates 5% of the total revenue for programs for compulsive gamblers. So on the one hand what we apparently are going to do in encourage them to have more opportunities to exercise a derogatory characteristic and then we're going to use 5% to try to cure them after we have encouraged them to do it. I think we need to be honest with ourselves, let's honestly ride revenues that are not destructive to a portion of the people of this State or reduce our expenditures. This is another way, I think, of not dealing up front with the real issues and presenting a real opportunity for difficulty for individuals who have problems in this area. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator **HALL** of Piscataquis to **ACCEPT** the Minority **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 AMERO, BEGLEY, BERUBE, BUTLAND, CAHILL, CARPENTER, CLEVELAND, FOSTER, GOULD, HALL, HANLEY, HARRIMAN, KIEFFER, LAWRENCE, LUDWIG, LUTHER, MARDEN, MCCORMICK, PEARSON, WEBSTER, THE PRESIDENT - DENNIS L. DUTREMBLE

NAYS: Senators BRANNIGAN, BUSTIN, CAREY, CIANCHETTE, CONLEY, ESTY, HANDY, O'DEA, PARADIS, PINGREE, SUMMERS, TITCOMB, VOSE

ABSENT: Senator BALDACCI

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

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **HALL** of Piscataquis, to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, ordered sent forthwith to the Legislative Files.

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

Bill "An Act to Amend the Motor Vehicle Emission Inspection Program"

H.P. 1005 L.D. 1351
(H"B" H-583; to C"A"
H-537)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ADOPTION** of Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) thereto, in **NON-CONCURRENCE**.

(In Senate, June 4, 1993, House Amendment "A" (H-580) to Committee Amendment "A" (H-537) **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, June 3, 1993, **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.)

On motion by Senator **BRANNIGAN** of Cumberland, Senate Amendment "A" (S-301) to Committee Amendment "A" (H-537) **READ**.

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

Senator **BRANNIGAN:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is the auto emissions procedure and the Highway Fund is lending money, or upfronting money, to this process and this just puts into effect that once the process is self sufficient it will return the funds to the Highway Fund. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-301) to Committee Amendment "A" (H-537) **ADOPTED**.

Committee Amendment "A" (H-537) As Amended by House Amendment "B" (H-583) and Senate Amendment "A" (S-301) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

An Act to Amend the Laws Pertaining to the Visitation Rights of Grandparents

S.P. 34 L.D. 40
(C "A" S-259)

Tabled - June 4, 1993, by Senator **PEARSON** of Penobscot.

Pending - **ENACTMENT**

(In Senate, June 2, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259)**.)

(In House, June 2, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-259)**, in concurrence.)

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

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

Resolve, to Transfer the Responsibilities of the Division for the Blind and Visually Impaired from the Department of Human Services to the Department of Education (Governor's Bill) (Emergency)

S.P. 487 L.D. 1498

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-291)**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **ACCEPTANCE** of Report

(In Senate, June 4, 1993, Report **READ**.)

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-291) **READ**.

On motion by Senator **AMERO** of Cumberland, Senate Amendment "A" (S-300) to Committee Amendment "A" (S-291) **READ** and **ADOPTED**.

Committee Amendment "A" (S-291) As Amended by Senate Amendment "A" (S-300) thereto, **ADOPTED**.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **STATE & LOCAL GOVERNMENT** on Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State"

H.P. 1036 L.D. 1388

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-545)**

Minority - **Ought Not to Pass**

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In House, June 3, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.)

(In Senate, June 3, 1993, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, June 4, 1993, that Body **INSISTED**.)

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

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

Bill "An Act to Remove the Repeal Date from the Laws Governing Equitable Insurance Coverage for Mental Illness" (Emergency)

H.P. 138 L.D. 183

Tabled - June 4, 1993, by Senator ESTY of Cumberland.

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

(In Senate, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**, in concurrence, **COMMITTEE AMENDMENT "A" (H-582) READ AND ADOPTED**, **HOUSE AMENDMENT "A" (H-607) READ AND ADOPTED**, and the Bill **READ A SECOND TIME**.)

(In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582) AND HOUSE AMENDMENT "A" (H-607)**.)

On motion by Senator **MCCORMICK** of Kennebec, Senate Amendment "A" (S-302) **READ**.

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

Senator **CAREY:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I would ask the gentlelady from Kennebec to please explain what is in this particular amendment. Thank you.

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. This is a technical amendment and it repeals the provisions of the Mental Illness Benefit laws which prohibit contracts from having a lifetime benefits cap of coverage. It is consistent with the Bill and the other amendment I have corrects a problem in the House Amendment. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-302) **ADOPTED**.

On further motion by same Senator, the Senate **RECONSIDERED** its action whereby it **ADOPTED** House Amendment "A" (H-607), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-303) to House Amendment "A" (H-607) **READ** and **ADOPTED**.

On motion by Senator **ESTY** of Cumberland, Tabled until Later in Today's Session, pending **ADOPTION** of House Amendment "A" (H-607) As Amended by Senate Amendment "A" (S-303) thereto, in **NON-CONCURRENCE**.

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

Senate at Ease

Senate called to order by the President.

Off Record Remarks

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

Bill "An Act to Clarify the Laws Pertaining to Mortgages and the Laws Pertaining to Taxation of Real Estate Transfers"

H.P. 934 L.D. 1257
(C "A" H-485)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, June 1, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**, in concurrence.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485) AND HOUSE AMENDMENT "A" (H-596)** in **NON-CONCURRENCE**.)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch

S.P. 475 L.D. 1474
(C "A" S-208)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 26, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208)**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-208) AND HOUSE AMENDMENT "A" (H-594)** in **NON-CONCURRENCE**.)

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

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

HOUSE REPORTS - from the Committee on **BUSINESS LEGISLATION** on Bill "An Act to Centralize Licensing for Retail Businesses"

H.P. 399 L.D. 512

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-367)**

Minority - **Ought Not to Pass**

Tabled - June 4, 1993, by Senator **CAHILL** of Sagadahoc.

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

(In Senate, June 4, 1993, Reports **READ**.)

(In House, June 4, 1993, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-408)** thereto.)

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

On motion by Senator **ESTY** of Cumberland, Bill and Accompanying Papers **RECOMMITTED** to the Committee on **BUSINESS LEGISLATION** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Bill "An Act to Amend the Law Pertaining to the Limitations on Simulcasting"

H.P. 691 L.D. 932
(C "A" H-556)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

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

(In Senate, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence. Subsequently **RECONSIDERED**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556)**.)

On motion by Senator **PARADIS** of Aroostook, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-556), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-299) to Committee Amendment "A" (H-556) **READ** and **ADOPTED**.

Committee Amendment "A" (H-556) As Amended by Senate Amendment "A" (S-299) thereto, **ADOPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

Bill "An Act to Minimize Electric Rates"
S.P. 307 L.D. 940
(C "A" S-159)

Tabled - June 4, 1993, by Senator **ESTY** of Cumberland.

Pending - **FURTHER CONSIDERATION**

(In Senate, May 25, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159)**.)

(In House, June 4, 1993, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-159) AS AMENDED BY HOUSE AMENDMENT "C" (H-592)** thereto, in **NON-CONCURRENCE**.)

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

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

Senator **CLEVELAND:** Thank you Mr. President, Ladies and Gentlemen of the Senate. I rise because unfortunately I did not have the opportunity to speak when we had the Second Reader. I was away from the chamber at the moment so I would like to take this opportunity to do so. First I would like to recognize that this L.D. is presented with the best of intentions and that the sponsor is well meaning in its effort and I recognize that. Unfortunately my concern comes with the way it becomes applicable. The first thing I would like to do is correct what I think perhaps was some misinformation that was distributed to members of this body a little earlier on, several days ago. I had distributed to you a letter from the Public Advocate, earlier in the week you had information distributed to you under the letter head of the Maine Alliance which stated that the Public Advocate endorsed L.D. 940; this letter, which comes from the Public Advocate, and has his initials on it, clearly states that that is not correct. He does not endorse L.D. 940 in any form but if he had to choose one or the other he would choose Committee Amendment "B", which is the Minority Report, as opposed to Committee Amendment "A". So I want to correct that misinformation. I also want to correct that in that same letter that it was stated that the Public Utilities Commission endorsed L.D. 940, as amended. I will state for the Record that that is not a fair and accurate statement, that they do not endorse L.D. 940, and that comes from a direct conversation with them that can be verified. I'd

also like to bring your attention to the House Amendment which is now attached which the motion says we shall Insist and not adopt. The House Amendment is sponsored by the Chair, co-Chair, from the other body of the Senate Utilities Committee. I'd like to read it to you for a moment so that you will know the intent of that amendment, which was adopted in the other body. "As a result of giving equal consideration to the goals of minimizing cost and minimizing rates or in approving any proposals for rates that allow incremental use or maintenance of existing use pursuant to this act, the Public Utilities Commission may not adopt any rate design that results in increased rates for residential customers with usage of less than 750 kilowatt hours per month. Nothing in the preceding sentence may be construed to prohibit the Public Utilities Commission from increasing rates for residential customers with uses of less than 750 kilowatt hours per month, the extent justified by other legitimate rational principals or legislative mandates." Frankly, I'm not sure what all of that means but I do know what a piece of it means. A piece of it means that they are trying to protect inordinate increases in those customers who use 750 kilowatt hours or less of electricity. I'd like to bring your attention one more time to the reason why that amendment had been offered originally, and that is presented in your graph which I had distributed to you which shows that the average residential customer is probably around 550 kilowatt hours, or many would suggest it is around 750 kilowatt hours. 750 kilowatt hours, incidentally, is also the amount under which we do not tax the usage of that by the sales tax, only above 750 kilowatt hours.

I present that to you because I think it re-establishes my concern which I raised before. That though those who are sponsoring and supporting this do not intend for that to happen, that there are others, the major utilities of this State, have made it clear, I have presented that in the documents I have presented to you in the last discussion and debate on this, it is unequivocally clear, they have already filed for it under docket number 92-315 for declining block rate systems. The chart illustrates the impact, the amendment indicates a concern in trying to deal with that, that there would be, potentially, a shift to those lower residential customers. That is why there is a Committee Amendment "A" and a Committee Amendment "B", because we have tried to keep the best of the proposal, recognizing its good intent, but trying to minimize the impacts. What we are suggesting to you is not that you choose either between one proposal or no proposal, but rather that you choose the second proposal because it achieves a positive goal that we are trying to achieve here.

I speak to you on this issue and I do so at a great disadvantage, quite frankly, because throughout this entire process I have had at least 12 lobbyists working constantly to persuade members of this body and the other body on the merits of the other position. I have had members of the staff working as well to lobby and present the point of view and frankly, I haven't had the opportunity to speak to you individually about it. I wish I had, it was not because I did not wish to do so, but frankly, as all of you I have been so committed to all of my other assignments that I didn't have the luxury that the paid lobby had to spend the time solely on this issue. So I take a few minutes to talk to you publicly in a group today. I wish also to emphasize that the reasons I speak to you about this have nothing to do with the fact that I am trying to be an

obstructionist in this process. I think it is a responsibility to understand the outcomes of our public policy, to try to do what we believe is in the best interest of the constituents, to understand the implications of what we do, to seek reasonable compromise where we can find it, and then to base our decision on the merits. Those are the only reasons on which I continue to try to bring this information to your attention. So I bring to you all that I have, that is the facts that I have accumulated and nothing more, to let you evaluate them for their own merits. I appeal to your good reason, I have no other appeal to make. I bring to you and share with you my concern and sensitivity to the average residential payer and wish to do nothing to harm them, and raise to you what I believe to be legitimate concerns. I have offered other alternatives that are constructive and positive, not only to say this is not the best solution but to offer other choices in a constructive and positive way. I have tried to have a reasoned position and to think it through carefully. All that I can ask of you today is that you make the decision that you think is in the best interest of the public based on the information that you have before you.

I'd like to say, for the Record, because I think there are some aspects here that have been confusing, and I would like to be clear, should there be some future need for clarity, since we are not clear exactly what the Bill would do, we have statements here on what the Bill would not do. Since we have the opportunity here for the sponsor, the Senate Chair of the Committee, and I believe all except one Senator here, Senator Baldacci, are either in the chamber or are in close enough proximity to hear my voice. First, it is my understanding that this L.D. takes no position whatsoever on docket number 92-315, and does not support any particular outcome of that particular docket currently before the Public Utilities Commission, that this piece of legislation is primarily as a message that has been told, and not necessarily a significant policy change. Thirdly, that it is not intended in any way to discourage conservation. Fourth, that it does not support declining block rates, design proposals. Fifth, to reiterate that it is not endorsed by the Public Utilities Commission or the Public Advocate, and sixth, by reference to the other documents that I shall submit that I discussed previously, labeled A - I, I will submit those as other information for the Record. Mr. President I would ask for a Roll Call when the vote is taken. Thank you.

Senator **CLEVELAND** of Androscoggin requested a Roll Call.

On motion by Senator **ESTY** of Cumberland, Tabled 1 Legislative Day, pending motion by the same Senator to **INSIST** (Roll Call Requested).

The Chair laid before the Senate the Tabled and Later 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 4, 1993, by Senator **WEBSTER** of Franklin.

Pending - **ACCEPTANCE** of Report

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

Which Report was **ACCEPTED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-252) **READ**.

On motion by Senator **PINGREE** of Knox, Senate Amendment "A" (S-268) to Committee Amendment "A" (S-252) **READ** and **ADOPTED**.

On motion by Senator **WEBSTER** of Franklin, Senate Amendment "B" (S-292) to Committee Amendment "A" (S-252) **READ** and **ADOPTED**.

On further motion by same Senator, Senate Amendment "C" (S-293) to Committee Amendment "A" (S-252) **READ** and **ADOPTED**.

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Senate Amendment "B" (S-292) to Committee Amendment "A" (S-252).

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

Senator **MCCORMICK:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My understanding of this amendment is that it exempts owner built plumbing from inspection, that is currently not the law. When I built my own house, which I did, and did my own plumbing, which I did, I had to have it inspected, I think that is good and I do not want to change that. Is it true that your amendment changes that?

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. My apologies to the Senator from Kennebec. I think I talked to every member of the Senate but apparently I didn't speak to you and I apologize for that. I didn't speak on this amendment because I considered it to be essentially technical. What happens is everyone of us here, most people in our districts, a lot of people in this State, go to a local hardware store and buy a water heater, or they buy a faucet. Whatever they do, they replace it when it goes bad. That is against the law. We can pass all the laws we want to here and it won't matter because it is still going to happen. My opinion is to leave this law, it seems to me if people are doing this already, as long as they are doing it according to code, which is what we are requiring, I just see no reason to have a law on the books that cannot be enforced and is not necessary. Probably when the law was passed many years ago we didn't have Grossman's, we didn't have all of these stop and shop kind of places where people go and buy a faucet and put it in themselves. Today the times are different. It just seemed to me that it was unnecessary to have a law on the books like this when no matter what we do it will not be enforced. This

does not deal with the people who are plumbers. If you are a licensed plumber, if you have work done in a new house, it only applies to people who do it in their own home and unfortunately even though some people could argue that perhaps it isn't being done right, the law says it has to be done a certain way but we never catch it. If you were in my business, I'm in the heating business, you see this all the time. People are always doing things in their homes. We can pass all the laws we want and we are not going to stop that from happening and so my feeling was that this was a kind of technical amendment and I felt it just made sense not to make criminals of people who are doing something whether we pass a law or not. That's my reasoning and for those members of the Senate I haven't spoken to about this I apologize. 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'd like to pose another question through the Chair. If we were to pass Senate Amendment "B" would a person who is building a new home and doing the supplied pipework by themselves, and the drainage pipework by themselves, be exempt from having to have that inspected by a plumbing inspector or a CEO? Thank you.

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

Senator **WEBSTER:** Thank you Mr. President, Ladies and Gentlemen of the Senate. Most houses that are constructed, new construction, that are done by private contractors would obviously have to have permits because you have to have a permit to put in a septic system, to do a number of things. My intention is for those people who are, frankly most of our constituents, who are doing their own work, as long as they are doing it according to law, shouldn't be illegal. That's my intention. They are not getting inspected right now, it's not happening and my feeling is that they're not getting inspected now and we shouldn't be making them criminals. If someone builds a house, they hire a contractor and the contractor does the plumbing that's different, if the guy does it on his own then we can pass all the laws we want here, it won't matter because he is not going to obey it. Just making criminals of our citizens didn't make sense to me and that was my intention here. Thank you.

Senator **MCCORMICK** of Kennebec 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. This L.D. 1501 was before the Business Legislation Committee and these amendments that have come on late and I guess I knew about the amendments as soon as they were prepared, but I just wanted you to know that I'm just not sure of the effects of these amendments and how far they go. I can't verify that these amendments are appropriate and just how far they go. Either we should turn them down or take some time to understand exactly what they say and just how far they do go. Thank you.

On motion by Senator **BUSTIN** of Kennebec, Tabled 1 Legislative Day, pending the motion by Senator **WEBSTER** of Franklin to **ADOPT** Senate Amendment "B" (S-292) to Committee Amendment "A" (S-252).

Off Record Remarks

Senate at Ease

Senate called to order by the President.

On motion by Senator **PEARSON** of Penobscot, **ADJOURNED** in memory of Trevor Trafton of Bradford, Maine, until Monday, June 7, 1993, at 1:00 in the afternoon.

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

ORDERS

Joint Order

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

S.P. 529

ORDERED, the House concurring, that Bill "An Act to Provide Consistency in the Animal Welfare Laws" S.P. 345, L.D. 1040, and all its accompanying papers, be recalled from the Engrossing Department to the Senate.

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

Sent down for concurrence.

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

Senator **PEARSON**: Thank you Mr. President, Ladies and Gentlemen of the Senate. Many of you heard about the fatal auto accident which occurred in the town of Corinth last Tuesday morning, when a student of Central High School had just left marching practice for graduation with another graduating Senior. Trevor Trafton lost his life. He would have received his diploma this coming Sunday, June 6, with the rest of his graduating class of 1993. I'd like to close this session today in memory of Trevor Trafton of Bradford, Maine and I, along with Representative Don Strout and the entire Maine Legislature, wish to extend the deepest sympathies to Trevor's parents, Harold and Paulette Trafton, his sister Tabitha, his grandparents, Ernest and Geraldine Trafton and grandmother, Lorice Arnold and to all of Trevor's family and friends and fellow classmates, the staff and faculty of Central High School in Corinth. It is an especially poignant tragedy when one considers the death of a person who is scheduled to be graduating in just a matter of a few days. Mr. President, I request, when the Senate adjourns today, it does so in the memory of Trevor Trafton, class of 1993, Central High School, Corinth, Maine. Thank you.